

WEBINAR

WEDNESDAYS



Governor's Office
of Youth, Faith
and Family



Wednesday, February 24, 2021

Connecting the Dots in Criminal Justice: Preventing Crimes Against People by Focusing on Animal Abuse

Presented by:

Phil Arkow

National Link Coalition Coordinator

Distributed by:

ARIZONA PROSECUTING ATTORNEYS' ADVISORY COUNCIL

3838 N. Central Ave., Suite 850

Phoenix, Arizona 85012

ELIZABETH BURTON ORTIZ

EXECUTIVE DIRECTOR



NATIONAL COUNCIL OF
JUVENILE AND FAMILY COURT JUDGES

WWW.NCJFCJ.ORG



**ANIMAL LEGAL
DEFENSE FUND**

Animal Cruelty Issues

What Juvenile and Family
Court Judges Need to Know





Technical Assistance Bulletin authored by:

Diane Balkin, JD	Lora Dunn, JD	Judge Michelle Morley
Martha-Elin Blomquist, Ph.D.	Cheri Ely, MA, LSW	Judge Phillip Taylor, Ph.D.
Stephine Bowman, JD	Judge Donna Groman	Kathleen Wood, JD
Judge H. Lee Chitwood	Amanda Kay, JD	

Acknowledgments:

This Technical Assistance Bulletin is a publication of the National Council of Juvenile and Family Court Judges (NCJFCJ). The NCJFCJ wishes to acknowledge that this publication is made possible by a grant from the Animal Legal Defense Fund (ALDF). Points of view or opinions are those of the authors and do not necessarily represent the official position of the ALDF or the NCJFCJ.

The NCJFCJ would like to offer special thanks to the judges who participated in the Judicial Responses to Animal Cruelty Issues Convening co-sponsored by the NCJFCJ and the ALDF. These individuals provided guidance for the development of this Bulletin, contributed materials to the Bulletin, and offered valuable feedback. The NCJFCJ appreciates the passion, commitment, and time that these judges gave to creating this Bulletin and to educating judicial colleagues about the importance of the LINK between animal cruelty and interpersonal violence:

Judge Wiley Branton, Jr.	Judge Michelle Morley	Judge Phillip Taylor, Ph.D.
Judge H. Lee Chitwood	Judge Sheri Roberts	Judge Katherine Tennyson
Judge Rosa Figarola	Judge John J. Romero, Jr.	
Judge Donna Groman	Justice Nancy Saitta	

Suggested Citation:

Balkin, D., Blomquist, M., Bowman, S., Chitwood, H.L., Dunn, L., Ely, C., Groman, D., Kay, A., Taylor, P., and Wood, K. (2019). *Animal Cruelty Issues: What Juvenile and Family Court Judges Need to Know*. Reno, NV: National Council of Juvenile and Family Court Judges.



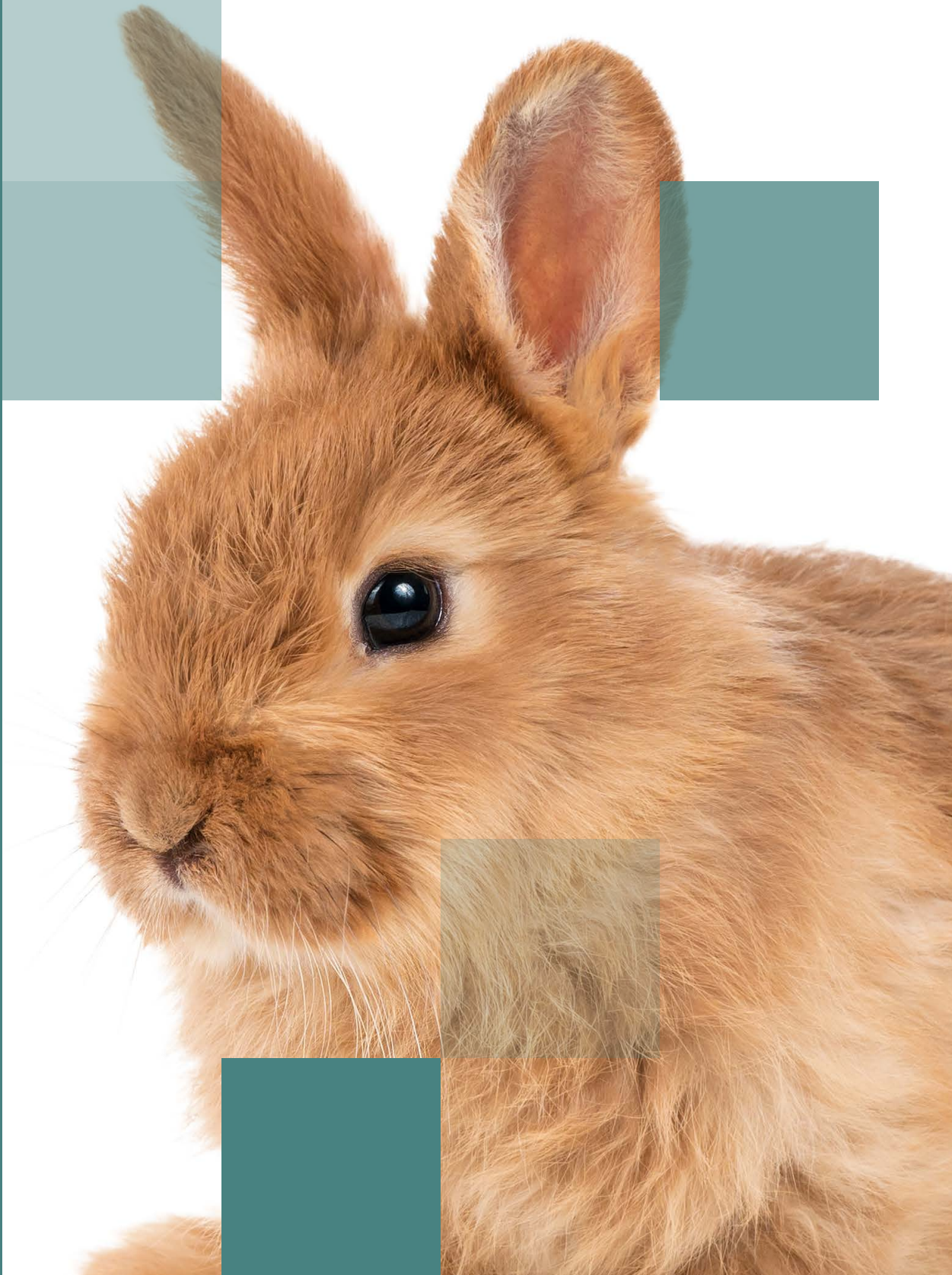
Animal Cruelty Issues

What Juvenile and Family
Court Judges Need to Know

- I. Introduction 04
- II. The Link Between Animal Cruelty
and Family and Interpersonal Violence 08
- III. Family Violence Cases and Animal Cruelty 14
- IV. Child Abuse and Neglect Cases and Animal Cruelty 22
- V. Juvenile Offender Cases and Animal Cruelty 30
- VI. Elder Abuse Cases and Animal Cruelty 38
- VII. Screening and Assessment 44
- VIII. Final Recommendations 46
- IX. Endnotes 52
- X. Additional Resources 60



INTRODUCTION



NCJFCJ's Work to Address Animal Cruelty

For the last decade, the National Council of Juvenile and Family Courts Judges (NCJFCJ) has intermittently explored the connections that animals have with the justice system. The NCJFCJ has addressed canine court companions and therapy pets in youth facilities at conference sessions, in newsletter articles, and by sharing information about these types of programs with specific courts. The NCJFCJ has coordinated with The Humane Society of the United States to publish articles regarding animals and the justice system in its membership magazine. In the spring 2010 edition of the *Juvenile and Family Justice Today* magazine, the NCJFCJ featured an article, "Protect Domestic Violence Victims by Protecting Their Pets,"¹ which addressed safe haven programs for pets. In the spring 2012 edition of the same magazine, the NCJFCJ highlighted an article on "Cause for Concern: Juveniles and Crimes of Animal Cruelty,"² which described the link between juveniles committing acts of animal cruelty and committing other forms of violence against humans, identified animal cruelty by juveniles as a predictor of future violence, and noted the connection between being a victim of child abuse and engaging in animal cruelty as a juvenile.

The NCJFCJ has also coordinated national conference sessions addressing the connection between animals and the justice system. In July 2014 at the NCJFCJ's 77th Annual Conference, Safe Humane Chicago and the Animal Welfare Institute showcased two Chicago programs that work with at-risk youth, youth in custody, and at-risk dogs.³ Conference participants learned from youth how they care for, socialize, and train at-risk dogs using positive, reward-based training techniques. In August 2015, the NCJFCJ hosted the First Annual National Summit on Trauma and the Courts, which included participation from animal welfare experts to explore key components of trauma-informed justice. In March 2019 at the NCJFCJ's National Conference on Juvenile Justice, the Animal Legal Defense Fund (ALDF) presented a session on "Animal Cruelty and Juvenile Justice" to explain the correlation between animal cruelty and interpersonal violence.

The NCJFCJ's recent partnership with the ALDF is the first intentionally coordinated work by the NCJFCJ to address judicial responses in court cases related to animal cruelty. The partnership focuses on the link between animal cruelty and interpersonal violence in juvenile and family court cases. Research shows that acts of cruelty against animals can be a sentinel indicator and often a predictor of other forms of family and community violence. The collaboration between the ALDF and the NCJFCJ is the first formal partnership between an animal protection group and a judicial organization.



Animal Legal Defense Fund

Founded in 1979, the ALDF is a national nonprofit law organization dedicated to protecting the lives and advancing the interests of animals through the legal system. ALDF offers legal education and training, advocacy and case assistance, and expertise in policy development and model legislation. ALDF works with professionals across the country—including prosecutors, law enforcement, veterinarians, and victim advocates—to help enforce and strengthen animal protection laws.

ALDF Criminal Justice Program attorneys conduct trainings on animal protection laws, best practices for enforcement, and the link between animal cruelty and other crimes. This link, which is discussed in more detail throughout this bulletin, demonstrates that animal cruelty affects communities as a whole and must be addressed within this wider context of connections across domestic violence, child abuse, juvenile delinquency, and elder abuse.

ALDF Criminal Justice Program attorneys and ALDF Legislative Affairs Program staff assist legislators and policy makers across the country to strengthen animal protection laws. Such animal protection laws directly relate to juvenile and family court matters. Examples of relationships include requiring cross-reporting between animal and human welfare agencies, permitting courts to include pets in protection orders, and requiring psychological evaluation of juveniles convicted of animal cruelty.

The ALDF is a member of the National Link Coalition, which draws professionals from across the nation to address the link between animal cruelty and other forms of violence and abuse. The ALDF also collaborates with national groups such as the Association of Prosecuting Attorneys (APA) and the National Sheriffs' Association (NSA) on professional trainings and other projects. In 2018, the ALDF began partnering with the NCJFCJ to share knowledge and resources on animal cruelty and the link between animal cruelty and interpersonal violence with family and juvenile court judges.

Joint Judicial Convening

The NCJFCJ and ALDF co-hosted the Judicial Responses to Animal Cruelty Issues Convening (Convening) on January 31 – February 1, 2019. The Convening included participation from 10 judges from across the U.S. – eight judges who hear juvenile, child abuse or family violence cases, one municipal court judge who hears criminal animal cruelty cases, and one retired state supreme court justice. The NCJFCJ and ALDF staff met with the judges to:

- discover what judges are doing in their communities to address animal cruelty;
- identify what judges need to know about animal cruelty and the link to violence; and
- determine what actions, recommended practices, tools, and resources are needed to assist judges to address animal cruelty in their juvenile and family court cases.

The Convening resulted in the development of this bulletin, animal cruelty sessions at the NCJFCJ's two national conferences in 2019, and a draft of the NCJFCJ "Resolution Regarding Animal Cruelty and its Link to Other Forms of Violence." This resolution will be voted on by the NCJFCJ Board of Directors at the NCJFCJ's 82nd Annual Conference in July 2019. Once passed, the resolution will be posted on the NCJFCJ website.



A close-up photograph of a dog's face, focusing on its eyes and nose. The dog has light blue eyes and brown and white fur. The image is partially obscured by three dark blue rectangular text boxes.

The **LINK BETWEEN**

ANIMAL CRUELTY *and*

FAMILY *and*
**INTERPERSONAL
VIOLENCE**



Animal Cruelty as a Public Health and Safety Issue

First and foremost, animal cruelty is a violent crime committed against vulnerable members of our communities. Such violent crime in itself constitutes a public health and safety issue. Secondly, animal cruelty is linked with other crimes against property and humans, signaling that animal cruelty constitutes a threat to public health and safety, broadly speaking. A 1999 study undertaken by the Massachusetts Society of the Prevention of Cruelty to Animals (MSPCA) and Northeastern University found that 70% of those who committed violent crimes against animals also had records for other crimes; the same offenders were five times more likely to commit violent crimes against people, four times more likely to commit property crimes, and three times more likely to have a record for drug or disorderly-conduct offenses.⁴ Furthermore, specific types of animal cruelty crime, such as animal fighting, are often linked with other criminal enterprises, including the trafficking of drugs and weapons.⁵

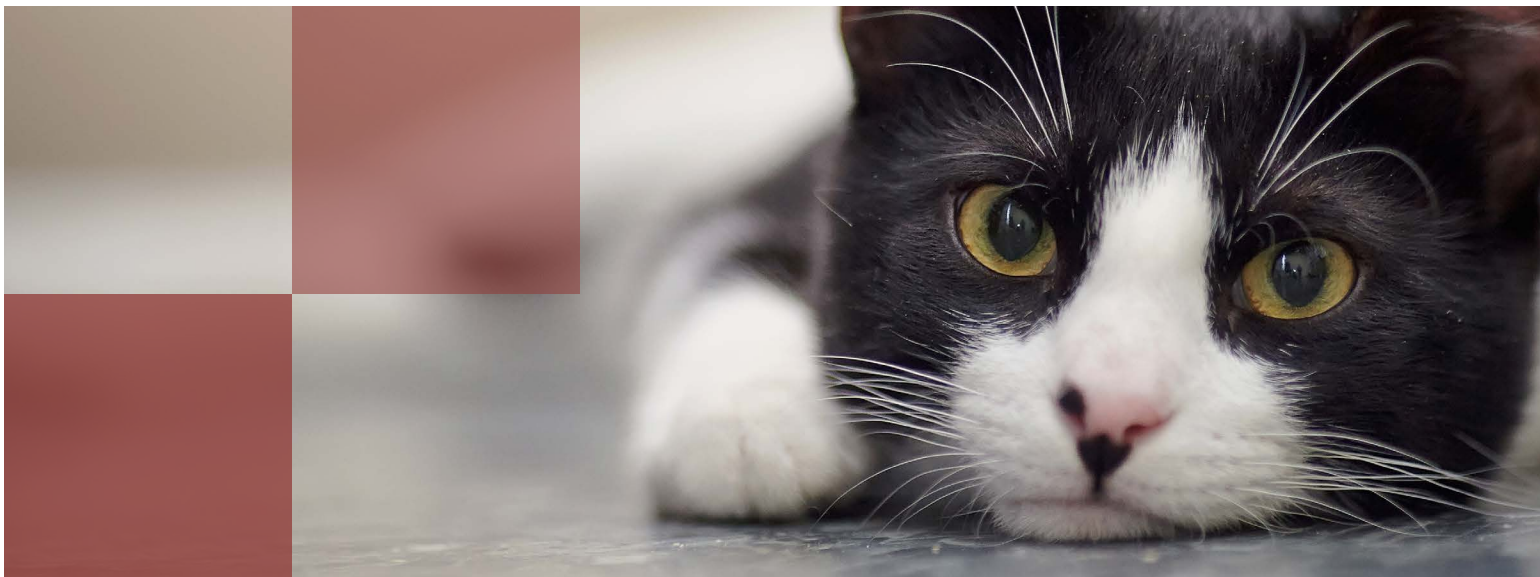
Federal agencies have begun to recognize the ways in which animal cruelty is linked with other crimes, and they are placing a greater emphasis on enforcement of laws against animal cruelty. In 2016, at the request of the National Sheriffs' Association, the FBI began collecting data on animal cruelty crimes through the National Incident-Based Reporting System (NIBRS). The FBI noted that tracking animal cruelty crimes and analyzing them for patterns will inform intervention strategies for animal cruelty and associated offenses.⁶ The Department of Homeland Security has similarly emphasized the need to report, investigate, and prosecute animal cruelty crimes, noting that doing so "may help minimize violent acts towards humans, including terrorism."⁷

The Link Between Animal Cruelty and Family and Interpersonal Violence

Hundreds of studies during the past 40 years have demonstrated a clear link between violence against animals and other forms of abuse and neglect, such as domestic violence, child abuse, and elder abuse.⁸ Early research proposed a “violence graduation” hypothesis to explain the link between animal cruelty and abuse of humans.⁹ This hypothesis theorized that individuals “practiced” committing violent acts on animal victims, became desensitized to violence, and then “graduated” to committing violence against humans. However, most studies from the past 20 years no longer subscribe to this theory. Instead, they support the “general deviance” theory as the best explanation for the link. This theory posits that animal cruelty is one of several anti-social or “deviant” behaviors that certain people may engage in concurrently or at various points throughout their lives.¹⁰ The concurrent anti-social behaviors include animal cruelty, domestic violence, child abuse, and elder abuse.

Animal Cruelty and Family Violence

Numerous studies have chronicled the link between animal abuse and domestic violence, particularly intimate partner violence.¹¹ Women who experience abuse from a partner are at significant risk of having their partner threaten, harm, or kill their companion animals as well.¹² These overlapping forms of abuse may occur for two reasons. First, as explained by the general deviance theory, abuse of humans and abuse of animals are manifestations of the same underlying violent, controlling behaviors.¹³ Secondly, abusers will often threaten or harm their partner’s beloved companion animal as a way to intimidate and control the human victim. In fact, more than half of battered women in domestic violence shelters reportedly delayed their escape out of fear for their companion animals.¹⁴ Policymakers are more cognizant than ever of this link, and most states now explicitly permit companion animals to be included in protection orders.¹⁵



Animal Cruelty and Child Maltreatment

There is a clear link between animal cruelty and child abuse.¹⁶ Just as animal abuse is used as a tool to intimidate and control intimate partners, it is also used to intimidate and control children in the home.¹⁷ Children often interfere to protect their animals from violence, and this willingness to insert themselves in a potentially dangerous situation demonstrates the important role that companion animals play in children's lives—particularly children raised in abusive households who may crave companionship and comfort.¹⁸ Because of this link between animal cruelty and child abuse, abuse of an animal or child is a red flag that others in the home may not be safe. Fourteen states require or explicitly permit cross-reporting between child protection and social work officials and animal control officers in order to identify and intervene in cases of concurrent abuse.¹⁹

Animal Cruelty and Juvenile Offenders

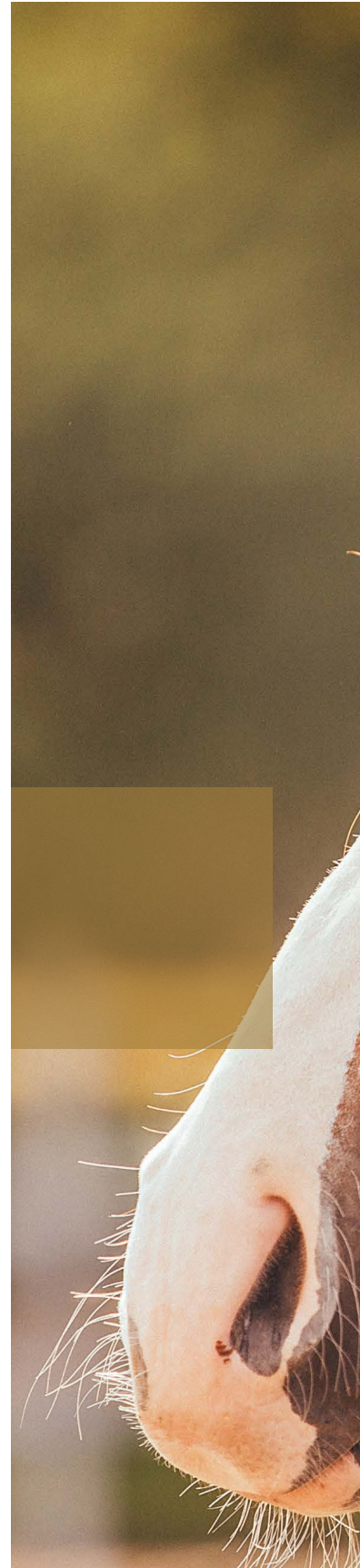
Under the violence graduation theory, it was thought that animal abuse committed as a child or adolescent was a predictive factor for future violence. However, research indicates that the majority of children who abuse animals will not go on to commit extreme violence against humans.²⁰ That being said, childhood cruelty toward animals has been identified as a marker for underlying issues such as conduct disorder, which in some cases may manifest as other antisocial behaviors, including violence against humans. Notably, animal cruelty has been shown to be one of the earliest indicators of conduct disorder, which means it may be the first warning sign that intervention is needed.²¹ Although animal cruelty in general is not a reliable predictor for extreme violence, certain types of animal abuse, specifically hands-on abuse of companion animals for entertainment, may be a statistically significant predictor for extreme violence.²²

Studies have also linked animal cruelty committed by juveniles with bullying. Animal cruelty and bullying others are two behaviors that often coincide with underlying needs for egoistic power and a lack of cognitive empathy.²³ Research also suggests that both animal cruelty and bullying may be causally linked to future delinquency. In other words, engaging in animal cruelty and bullying may actually predispose an adolescent to future offenses due to the fact that both behaviors have been shown to predict an increase in moral disengagement.²⁴ “Moral disengagement” refers to selective disassociation with a person’s own moral standards, permitting that individual to act amorally (such actions may or may not be criminal in nature) without self-sanction.²⁵ Therefore, if a child or adolescent exhibits cruelty toward animals, it may be a sign that intervention is needed, not only to address underlying issues, but also to prevent the exacerbation of moral disengagement.

It is also important to intervene in cases of animal cruelty committed by juveniles because such behaviors may indicate that the child himself or herself has been or currently is a victim of abuse. Children who exhibit cruelty toward animals are more than twice as likely to have suffered abuse themselves.²⁶ A child who has been a victim of abuse and who also perpetrates animal cruelty can come to the attention of the court for both dependency and delinquency proceedings and is often referred to as a “dual status” or “cross-over” youth. Recommended practice is to have one judge handle the legal processes and disposition decisions involving such youth.²⁷

Animal Cruelty and Elder Abuse and Neglect

Animal cruelty is linked to elder abuse in two ways. First, seniors and adults with a disability are vulnerable to abuse at the hands of caregivers. This puts the companion animals of elderly persons at risk as well. One study found that more than one third of adult protective services workers reported that their clients have talked about their pets being threatened, injured, killed, or denied care by a caregiver.²⁸ Secondly, elderly individuals sometimes neglect their animals because they are physically, mentally, or financially unable to provide proper care.²⁹ In the same study just noted, nearly half of adult protective services workers reported that their clients also either purposefully or negligently failed to provide necessary minimum care (food, water, veterinary care, and a sanitary environment) to a companion animal. In the vast majority of those cases, the neglect of the animal coincided with self-neglect, wherein the elderly person suffered as well.³⁰





It is **so important** to **communicate** about the **link between animal abuse** and the **impact** on **domestic violence, dependency,** and **juvenile justice.**

Hon. John J. Romero, Jr., Second Judicial District Court, Children's Court Division, Albuquerque, NM.



FAMILY VIOLENCE CASES

and **ANIMAL CRUELTY**



What Judges Need to Know

While the safety of pets and companion animals is a concern around many types of violence, judges should be aware that pet safety is an important issue in the context of domestic violence. Batterers can use the bond that survivors or their children have with an animal as a tactic to manipulate or control the survivor.³¹ Indeed, “abusing pets” is a specific tactic listed on the Duluth Model’s Power and Control Wheel that domestic violence advocates and other professionals use as an education tool.³² Further, harms or threats of harm to family pets are included in some domestic violence lethality or danger assessment tools.³³

In the context of intimate partner violence, when judges issue protection orders, they do not create the protection order for the animal per se. Rather, including pet safety in a protection order is a way judges help to remove or reduce barriers to the safety and wellbeing of adult survivors and their children. And a judge’s concern for the safety of a left-behind pet will help reduce further trauma to the adult survivors and their children when they have a bond with a pet.³⁴

However, safeguarding pet welfare or including pets in protection orders can be complicated by laws that may favor an abuser’s possession of the pet. Animals are considered property in all 50 states. “If an abuser refuses to relinquish a pet and the pet is not listed on a temporary restraining order (TRO), police and even courts are often reluctant to get involved in what is usually considered a marital property dispute. As a result, abusers have been known to threaten to harm or kill a pet if a survivor does not return to the home or (does not) dismiss criminal charges or restraining orders against an abuser.”³⁵

The **association** between **animal abuse** and **all forms of violence** is well documented. **If we don't address pets, we are missing the mark and reality of who and what people consider as "family."**

Hon. Carroll J. Kelly, Eleventh Judicial Circuit of Florida, Miami, FL.



The following are factors and questions judges should consider when deciding how to handle domestic violence cases where survivors/children have pets:

- Does your jurisdiction allow for the inclusion of pets in civil protection orders (CPOs)? As mentioned above, most states articulate remedies regarding pets in their protection orders. Many of the states that do not specifically include pets in CPOs do have some sort of catch-all provision allowing a court to order other relief that it deems necessary for the safety of the petitioner or the petitioner's children.
- Many domestic violence shelters now either house pets onsite or provide for safe alternative housing of pets, but such practice is not universal. Emergency shelter is also not a long-term solution to the housing issues facing survivors and their families. If it is not possible for the survivor to stay in the residence, what are the options for pets in transitional housing? Are there considerations around securing housing that allows pets? Is there a friend or family member that could safely take the pet?
- What constitutes a pet? For many families, pets do not just mean cats and dogs. Are there options for placing horses or other large or less traditional pets or companion animals?³⁶
- Economic barriers to safety and separation are important considerations that can be addressed in protection orders. What could be the economic impacts of leaving the home with a pet? Does the survivor have the resources for a pet deposit for a new living situation? What about license and veterinarian fees? If the survivor cannot find a shelter that allows pets, what about boarding fees?
- Access to pet records, including licenses and vaccinations, and pet-related property, such as a pet carrier or pet medication, need to be considered. Can the survivor obtain these? Are these needed to board the animal or to lease a new residence?
- Confidentiality is often very important for survivors separating from their batterer. Sometimes the care of pets can unexpectedly compromise a survivor's safety. Consideration should be given to what happens if a survivor flees with a pet with a microchip and that chip is scanned. Could the batterer be alerted to the survivor's new location? Like with co-parenting and doctor's records, what information may be shared through a veterinarian's office that could compromise the survivor's safety? Can a protection order address those concerns?

Legislation

Abuse of companion animals may in and of itself constitute a form of family violence. Surveys indicate that the majority of pet owners consider their animals to be part of their family.³⁷ As noted earlier, animal cruelty also often coincides with other forms of family violence. Because of this link, several states include abuse of companion animals in their definitions of “domestic violence”³⁸ and “stalking.”³⁹ Humans forge close relationships with their companion animals. It is recognized that threats and injury to a companion animal cause very real distress and harm to the humans that have an attachment to them. In order to protect victims of domestic violence and stalking, state legislators are beginning to see the need to address all forms of intimidation, control, and torment—including threats and cruelty toward companion animals. The Federal Pet and Women Safety Act acknowledges this connection, and it includes threats to companion animals in its definition of “stalking.”⁴⁰

As previously noted, animal cruelty itself is one mechanism used to intimidate, terrorize, and control human targets of abuse. A major obstacle preventing human victims from escaping their abusers is often fear for their companion animals’ safety.⁴¹ A West Virginia statute requires law enforcement officers investigating domestic violence allegations to report suspected animal cruelty. Humane officers are likewise required to report suspected domestic violence.⁴² In addition to such cross-reporting requirements, 33 states and the District of Columbia explicitly permit animals to be included in protection orders.⁴³ Most of these statutes authorize the court to grant the petitioner exclusive care, custody, and control of the animal, and to prohibit the respondent from taking, injuring, threatening, or disposing of the animal.⁴⁴

However, even if a state does not have a statute explicitly authorizing the inclusion of animals in protection orders, courts typically have wide discretion in determining the restraints imposed by a protection order.⁴⁵ In most cases, a court would have the authority to include an animal in a protection order if such inclusion was deemed necessary for the protection of the human victim. Additionally, under the Pet and Women Safety Act, the federal government provides grants to states for the development of programs that offer emergency and transitional shelter and housing for domestic violence victims with companion animals.⁴⁶ The Act’s requirements including companion animals extend to federal laws regarding interstate violations of protection orders.⁴⁷



Finally, legislation is emerging to permit courts to consider the best interests of the animal when deciding custody during divorce proceedings. The consideration of the best interests of the animal is not limited to divorce cases where domestic violence or animal cruelty are issues. Rather, in any divorce proceeding, the court may consider the wellbeing of the animal when deciding which party will retain ownership and custody. Such legislation recognizes that animals are more than mere property; their wellbeing is a matter of concern. As of 2019, Alaska and Illinois have enacted such provisions.⁴⁸

I can foster and secure the relationship between animals and their humans and in that way improve the quality of life of both. I feel more optimistic about the difference I can make in the lives of animals and families.

Hon. Rosa Figarola, Eleventh Judicial Circuit of Florida, Miami, FL.



What Can Judges Do?

There are several steps judges can take to improve their understanding of the link between domestic violence and animal cruelty and to help them make decisions to effectively safeguard the wellbeing of adult survivors, their children, and the animals they are attached to.

JUDGES CAN:

- become familiar with the laws and policies in their jurisdiction regarding pets and companion animals in civil protection orders;
- seek out community resources in their jurisdiction that provide assistance with pets (such as local domestic violence shelters providing assistance with housing animals and other resources that are available);
- raise the issues and considerations around domestic violence and pets and companion animals at meetings of stakeholders that work together to provide coordinated services and supports (e.g., coordinated community response/CCR) for domestic violence survivors;
- include or request the issues and considerations around domestic violence and pets be included in training opportunities for their colleagues;
- educate the community on the need for resources for domestic violence survivors and their pets; and,
- provide information on including pets and companion animals in protection orders and community resources for housing animals in their courthouse or self-help centers.

**Hon. Donna Groman, Superior Court of Los Angeles County,
Los Angeles, CA.**

Youth who commit acts of animal cruelty may very well be victims of or witnesses to domestic violence.



Further Resources:

- Animal Welfare Institute, *Safety Planning for Pets of Domestic Violence Victims*, <https://awionline.org/content/safety-planning-pets-domestic-violence-victims>.
- National Link Coalition, *Safety Planning for Pets*, <http://nationallinkcoalition.org/wp-content/uploads/2013/01/DV-SafetyPlanningCompilation.pdf>.
- Violence Free Colorado, *Domestic Violence and Pets*, <https://www.violencefreecolorado.org/what-we-do/special-projects/dvandpets/>.
- National Resource Center on Domestic Violence and Animal Welfare Institute, *Why Pets Mean So Much: The Human-Animal Bond in the Contest of Intimate Partner Violence, Technical Assistance Guide* (Sept. 2017) <http://nationallinkcoalition.org/wp-content/uploads/2014/09/DV-AWI-TA-for-NRCDV.pdf>.
- National Coalition Against Domestic Violence, *Pets and Domestic Violence*, <https://www.sheriffs.org/publications/NCADV-Pets-DV.pdf>.
- Ramsey, S. et al. (2010). Protecting domestic violence victims by protecting their pets, *Juvenile and Family Justice Today*, National Council of Juvenile and Family Court Judges <https://awionline.org/sites/default/files/uploads/legacy-uploads/documents/DV-NCJFCJArticleSpring2010-040611-1302122112-document-38932.pdf>.



It should be explored as to whether the youth remains at risk for continued violence.

CHILD ABUSE *and* NEGLECT CASES



and **ANIMAL CRUELTY**

What Judges Need to Know

There is a growing body of research on the positive aspects of owning and caring for pets for promoting healthy child/adolescent development.⁴⁹ Children, in general, experience many benefits from their relationships with companion animals. Pets are a source of comfort and companionship. They provide experiences and practice with nurturing. Pets promote child health, support learning, and support family bonding (by creating opportunities for family members to share in activities together). Pets also help children explore and clarify their sense of identity. While there are few studies of child-pet relationships in the context of child abuse and neglect, existing research suggests that having an attachment to a pet can be a buffering and protective factor. Children raised in abusive households may especially crave companionship and comfort that a pet often provides.

Although having a companion animal may offer the child living in a home where there is abuse and neglect with an important protective relationship, research has established a clear link between animal cruelty and child abuse.⁵⁰ Judges should view child abuse allegations as a red flag for a variety of concerning and possibly dangerous dynamics, in the present and in the future, not only for a child but also for any pet in the child's life. Specifically, pets in a home where there is abuse of children may be at risk for being harmed themselves. Additionally, and unfortunately, in the context of an abusive home, a child's healthy and loving attachment to a pet can create several difficulties for the child-pet relationship and for the safety and wellbeing of both. If an adult abuser harms a pet in front of the child, witnessing cruelty of a beloved pet can be very traumatic to the child who is already experiencing trauma as a victim of abuse or neglect. Further, the child may be in danger of being physically hurt if he or she seeks to intercede and





protect the pet from abuse by an adult. Adult batterers may use threats of harm or actual harm to a pet as a way to manipulate children. If victims disclose the abuse, or a third party confronts, reports or investigates suspected abuse, this could be the basis for retaliatory actions toward a pet by the adult abuser. Adult abusers may also coerce children into engaging in harmful actions toward companion animals, including forced sexual contact. Children's exposure to and/or coerced involvement in animal cruelty can place them at risk for engaging in animal cruelty themselves in the future.⁵¹

At early investigation and decision points (such as differential response, safety planning, child removal, or alternative placement) in cases involving allegations of child abuse or neglect, judges should inquire as to whether pets/companion animals are in the household and the condition of their care and wellbeing. Individuals in court-related and/or welfare-related agencies such as attorneys for the child, Court Appointed Special Advocate (CASA), Guardian Ad Litem (GAL), Child Protective Services (CPS), social services, law enforcement, and animal control can have relevant information or be asked to obtain information on neglect or abuse of pets. Knowing of a child's attachment to a pet and whether the pet's safety and welfare are at issue in a child abuse and neglect case can help the judge with decisions about two matters in particular: the child's living arrangements (in the short and long term) and services and treatment for the child (short and long term).

Specifically, when it comes to living arrangements, the child's relationship with a pet and the issue of co-occurring animal cruelty are relevant to decisions regarding:

- a safety plan that includes the child and pets, when the child remains in the home;
- temporary removal or placement of the child with extended family, keeping the child and pet together;
- temporary placement in foster care for the child, having the pet cared for by the foster family as well;⁵²
- temporary placement in foster care for the child, having

someone the child knows — family member, neighbor or adult friend — care for the pet and help maintain the child-pet connection through visitation; and

- foster care for the pet (through a local animal shelter, animal rescue - sometimes breed specific -, or humane society that finds families to foster animals) during a child's temporary placement in foster care and developing a child-pet visitation plan by working with a social worker or GAL; memoranda of understanding between the child welfare agency, court, and an animal shelter/rescue may assist with such arrangements; pet visits for children should be viewed as part of the court's and child welfare agency's obligation to create and maintain normalcy for children and youth in foster care.⁵³

When it comes to determining services and treatment for the child throughout the legal process (preliminary protective hearing, adjudication hearing, disposition hearing, and review hearing) the judge needs information and recommendations on:

- available trauma-informed mental health treatment and services that can be offered to address the specific issues of a child witnessing or being forced to engage in animal abuse; and
- humane/empathy education for child victims of abuse.

While animal cruelty issues add complexity to child abuse and neglect cases, judges handling child abuse and neglect (CAN) cases are well situated to inquire into, understand, and address animal cruelty-related issues. Judicial involvement in the lives of the parties and child welfare-serving agencies and judicial responsibilities for managing and directing the course and outcome of cases are greater in child abuse and neglect cases than in any other type of case. As the *Enhanced Resource Guidelines* note, judges need a broad base of knowledge and tools to guide their oversight of cases to make decisions to help achieve child safety and permanency and to promote overall child wellbeing.⁵⁴ Judges need to have substantive knowledge of child development, attachment, trauma, and family violence and how these impact the case process, application of resources, placement, services, and permanency outcomes.⁵⁵ The child protection and child welfare mandates of judges with CAN cases support their authority to inquire into and address co-occurring behavior of child abuse and animal cruelty. This

**Hon. Sheri Roberts, Alcovy Circuit
Court, Covington, GA.**

When assessing the issues of child abuse and neglect, it is relevant to ask about family animals to ensure their safety as well.

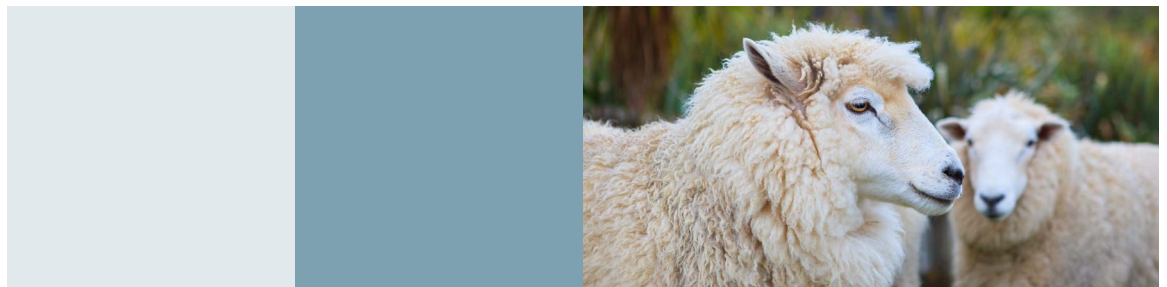
authority empowers judges to marshal the expertise, resources, and services of diverse stakeholders and community systems that know of, respond to, investigate, or provide treatment relating to animal welfare and cruelty matters.

In addition, the *Enhanced Resource Guidelines* recommends that when a family is involved in multiple legal matters concerning child abuse, juvenile delinquency, domestic violence, and family law, one judge be assigned to the family to coordinate the disposition of all of these matters.⁵⁶ Because of the multiple layers of co-occurrence of animal cruelty and child abuse, domestic violence, and juvenile delinquency, and the variety of court orders (temporary protection, child removal, child placement in foster care, visitation, reunification) and treatment service plans (for the children and the adults involved) that need to be developed and monitored to address co-occurrence, it is especially important that one judge have the responsibility to work with the family and with all of the allied professionals assigned to the family.

Legislation

In recognizing that animal cruelty and child abuse often occur under the same roof,⁵⁷ 14 states and the District of Columbia either require or explicitly permit cross-reporting of suspected animal abuse or child abuse between various agencies, such as animal control, humane societies, social services, and child welfare departments.⁵⁸ These statutes typically require humane officers to report suspected child abuse and neglect and explicitly permit child protective service workers to report suspected animal abuse.

In addition to cross-reporting laws, 33 states and the District of Columbia explicitly permit animals to be included in protection orders.⁵⁹ By permitting companion animals to be included in protection orders, courts can ensure that children can more easily be removed from abusive situations. In some cases, companion animals may also be included in juvenile civil protection orders.⁶⁰ Finally, even in states that do not explicitly permit animals to be included in protection orders, judges typically have discretion to include animals, if such inclusion is necessary for the protection of the human victims.⁶¹



What Can Judges Do?

There are several steps judges can take to improve their understanding of the link between child abuse and animal cruelty and to help them make decisions to effectively safeguard the wellbeing of children and the animals they are attached to.

JUDGES CAN:

- call a meeting with allied court (attorneys, GAL, CASA), child welfare (child protective services, investigators, social services) and service providers (mental health providers, child development experts) to talk about the co-occurrence of child abuse and animal cruelty and how to look for and include information on both in their reports and recommendations to the court;
- talk with allied court and child welfare and service providers about child-pet attachments and relationships, including maintaining the child-pet attachment while children are involved in CAN proceedings and/or foster care;
- collaborate with allied professionals to schedule training on understanding, detecting and reporting on co-occurrence; collaborate with service providers to offer training on assessments, treatments and services (including humane education) appropriate for children and youth who have witnessed or have been forced to engage in animal cruelty;
- meet with community entities that respond to allegations of animal cruelty (law enforcement, animal control, veterinarians) or provide services to homeless or abused pets (animal shelters, animal rescue societies, humane societies, veterinarians) to discuss the co-occurrence of animal cruelty and child abuse and to discuss and use processes for cross-reporting;
- work with child welfare agency and community agencies that provide care to homeless or abused animals to learn of their services for fostering pets and to develop MOAs that would help keep children in foster care with their pets or provide foster care services to pets that would facilitate pet-child visitation for foster care youth;
- include normalcy considerations re: child-pet attachments and relationships in temporary orders and disposition orders for child abuse cases where the child has an attachment to a pet or other companion animal; include a visitation schedule and who will facilitate visitation;
- in review hearings, if pet visitation is included in court orders, ask about visitation taking place; and
- as a prevention measure to reduce the risk of child abuse victims becoming perpetrators of animal cruelty, order trauma assessments and mental health services for all children and youth in child abuse cases who have witnessed or engaged in animal cruelty, by force or otherwise.

Further Resources:

- Animal Welfare Institute, *Safety Planning for Pets of Domestic Violence Victims*, <https://awionline.org/content/safety-planning-pets-domestic-violence-victims>.
- National Link Coalition, *Safety Planning for Pets*, <http://nationallinkcoalition.org/wp-content/uploads/2013/01/DV-SafetyPlanningCompilation.pdf>.

Crossover Youth

As explained earlier, there is a known link between animal abuse and child abuse as well as between animal abuse and juvenile delinquency that must be acknowledged and understood to ensure proper screening, assessment, and coordination of treatment for youth. There is also a known link between child abuse and juvenile delinquency. Youth who are involved in both the child welfare and juvenile delinquency systems are referred to as “crossover youth” due to crossing into both justice systems. Crossover youth and the potential link to animal abuse should be given careful consideration for screening and assessment.



In dependency hearings, I ask about *the child's continuing contact with pets in the home the child was removed from as well as the child's relationship with any pets in the substitute caregiver's home.*

**Hon. John J. Romero, Jr., Second Judicial District Court,
Children's Court Division, Albuquerque, NM.**

JUVENILE OFFENDER CASES

and **ANIMAL CRUELTY**



What Judges Need to Know

A growing body of research recognizes that acts of maltreatment of animals by youth can be early indicators of future tendencies toward violence perpetrated against humans. Similarities exist between acts of animal maltreatment and interpersonal violence: victims are living creatures with the capacity for experiencing and expressing pain and distress. The maltreatment of animals may surface at an earlier age than bullying, vandalism, or fire setting, with a median age of onset at 6.5 years.⁶² Youth may display such behavior as a result of their own physical or sexual abuse at the hands of others, exposure to domestic violence, being subject to corporal punishment, or in mimicking the abusive behavior of adults.

Evaluation of Juvenile Offenders

If a court finds that a juvenile has committed animal cruelty, as part of the case disposition the court should require that the juvenile undergo a psychological evaluation and, if necessary, treatment.⁶³

The psychological evaluation should be undertaken by a competent clinician, but does not require a clinician who specializes in addressing animal cruelty. There are a large number of possible underlying factors for animal cruelty, and different forms of animal cruelty may suggest different root causes.⁶⁴ Therefore there is no one-size-fits-all approach to animal cruelty and rehabilitation of offenders. Any competent clinician should be able to identify those underlying issues, and determine whether subsequent treatment is necessary; if the identified issue is beyond the clinician's scope of practice, he or she can refer the juvenile to another professional with more expertise.

When evaluating a juvenile who has committed animal cruelty, the clinician should make several determinations. First and foremost, the clinician must thoroughly understand the specific facts of the case including but not limited to: what kind of animal was involved (pet, wild animal, etc.); what kind of cruelty the juvenile engaged in (neglect, physical abuse, sexual abuse, shooting, strangulation, etc.); and the details of the incident (where did it occur, who witnessed it, etc.). Second, the clinician should gain an understanding of the juvenile's history—whether this was an isolated incident or if the juvenile has a history of violence and displaced anger, and whether this was a learned behavior which the juvenile witnessed and then repeated. Relatedly, the clinician should also determine whether the juvenile himself or herself has been the victim of abuse or neglect. Finally, the clinician should assess the juvenile's criminogenic factors, or the factors in the juvenile's life which may predispose him or her to engage in criminal behavior. If these factors

are not addressed and removed from the juvenile's life, the juvenile will be much more likely to reoffend.

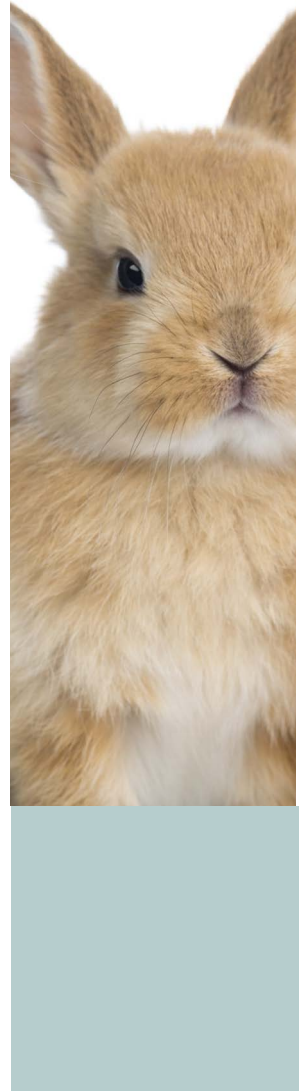
Ideally, the clinician would be able to make a home visit and observe the juvenile's environment in order to render a more comprehensive evaluation. The process of an evaluation may need to occur over several meetings, as it may take time to develop enough trust for the juvenile to share these many details. The evaluation should also consist of more than just a clinical interview, and should encompass a number of assessment tools.

Judges can assist in these evaluations by providing information disclosed over the course of the case, so that the clinician can ask worthwhile and necessary questions. The judge may also need to overcome a lack of interest in some clinicians who may not view animal cruelty as a serious offense meriting such a complete evaluation. In such cases, the judge may need to educate the clinician on the Link between juveniles who commit animal cruelty and those who engage in other antisocial or violent behaviors, or alternatively the judge may need to locate a clinician who understands the severity and of animal cruelty offenses. Ultimately the juvenile court judge's responsibility is to ensure that any underlying psychological issue which may have contributed to the violence is identified and treated; both in order to rehabilitate the juvenile and to protect any future animal or human victims.

Disposition of Juvenile Offenders

As with any other juvenile case disposition, the court should support the rehabilitation of juveniles who have committed animal cruelty. This may involve psychological treatment or counseling, depending on the results of the psychological evaluation discussed above. Treatment can be tailored to address any underlying psychological issues which may have contributed to the offense such as a conduct disorder, poor anger management or impulse control, or an inability to cope with prior trauma.

In cases of relatively minor offenses, humane education may be a useful rehabilitative tool. Humane education not only educates juveniles on proper ways to handle and interact with animals, but it also has been shown to increase empathy and prosocial behaviors.⁶⁵ However, humane education courses specifically addressing juveniles who have already committed animal cruelty are not widely available, and those which are established have considerably varied curricula.⁶⁶ Therefore the judge should first endeavor to ensure any court-ordered humane education course uses reliable and proven methods, and does not permit the juveniles to have unsupervised access to animals.



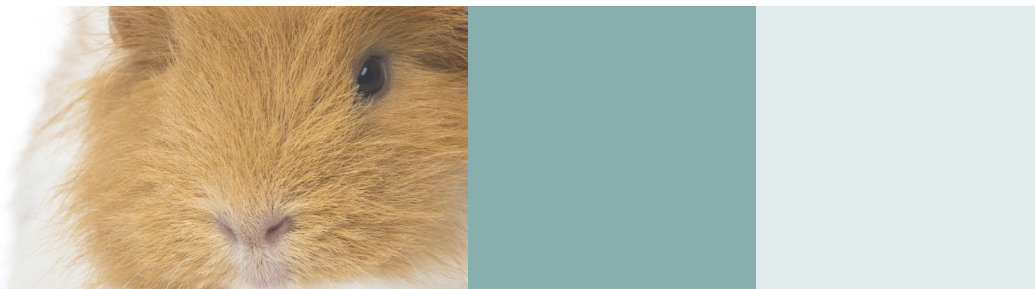
The court should maintain jurisdiction over the juvenile after the disposition through probation and status conferences in order to assure the juveniles' continued rehabilitation. Depending on the facts of the case and the rules of the jurisdiction, the judge may institute certain provisions such as prohibiting possession or ownership of animals, or otherwise removing criminogenic factors in order to prevent reoffending.⁶⁷

Finally, studies have shown that when a juvenile is cruel to an animal, it may be a sign that the juvenile has suffered abuse or neglect.⁶⁸ Therefore when a juvenile is adjudicated for animal abuse, closer examination of the juvenile's home life may be warranted. A juvenile may also appear before a court both as a dependent and as a delinquent, as a "dual status" or "cross-over youth." Addressing the underlying abuse suffered by the juvenile is an important factor in preventing the juvenile from reoffending.

Legislation

As discussed more fully in Section II of this Bulletin, juveniles who commit animal cruelty may require psychological intervention and treatment. Juveniles, due to their age, are still developing empathy and social behaviors, and often treatment can be a much more effective tool than more punitive measures—both to prevent recidivism and also to support rehabilitation and the development of prosocial behaviors.⁶⁹ Nine states require or explicitly permit psychiatric or psychological evaluation (and if necessary, treatment) for juveniles who have committed animal abuse.⁷⁰ Even if a state does not have a statute specific for juveniles who commit animal abuse, juvenile courts typically have discretionary authority to order a mental health evaluation and treatment. Such evaluation and treatment ought to be ordered in animal cruelty cases—in particular those cases involving the hands-on torture or torment of a companion animal done for the juvenile's own pleasure or entertainment, as those cases are more closely linked with subsequent violence towards humans.⁷¹

Additionally, depending on the state's laws, several sentencing mechanisms and other statutory sentencing provisions available for adult animal cruelty crimes may also be available for juvenile cases. For example, nearly every state explicitly permits or requires the cruelly-treated animal to be forfeited upon conviction.⁷² Furthermore 36 states and the District of Columbia either require or explicitly permit courts to restrict future ownership of animals through possession and ownership bans.⁷³ Although these criminal laws may not apply directly in juvenile cases,⁷⁴ both forfeiture and possession bans may be applied in the judge's discretion during juvenile disposition hearings as conditions of probation.⁷⁵ These measures may limit future contact with animals and prevent recidivism.



What Can Judges Do?

There are several steps judges can take to improve their understanding of the link between juvenile delinquency and animal cruelty and to help them make decisions in delinquency proceedings (at different points in the process such as at arraignment, adjudication, and disposition) that will promote youth rehabilitation, protect animals and humans, and help prevent future offending.

JUDGES CAN:

- learn the early warning signs of animal maltreatment and the connection to violence and a possible psychological disturbance; animal cruelty should be taken seriously and responded to swiftly and appropriately;
- issue an order for an accurate assessment by a professional with appropriate expertise and request the assessment be administered at the earliest opportunity; information should be elicited as to any history of maltreatment of animals, neglect, abuse or domestic violence at home; the assessment should consider the level of cruelty, any etiology of the acts, including the presence of peer pressure or intimidation by others;
- consider the pets at home that the youth could possibly endanger when the youth has committed acts of violence toward other human beings;
- ensure that treatment is evidence-based and trauma-centered and includes a path for the youth to embrace and express feelings of empathy; employ restorative justice modalities such as harm circles where the youth and his/her family, members of the community, an animal control officer, and the pet victim's human family can engage in meaningful discussion; the goal would be to hold the youth accountable and to plan action to repair the harm done;
- convene justice partners, law enforcement, educators, school resource officers, community based organizations, probation, and child welfare officers to learn about animal cruelty issues and to promote training for each agency;
- become familiar with treatment services in the community that will provide appropriate treatment for the youth; work with stakeholders to ensure that a process for screening and assessment is set up with appropriately trained professionals who will administer the screening and assessment; and
- consider establishing a program to divert youth from the juvenile justice system and to facilitate prompt and comprehensive treatment.

Further Resources:

The availability of resources addressing juveniles and animal abuse is limited, but there are a few that judges can access.

- OJJDP Juvenile Justice Bulletin on Animal Abuse and Youth Violence - <https://www.ncjrs.gov/pdffiles1/ojjdp/188677.pdf>.
- OJJDP Webinar “When the Abuse of Animals Co-Occurs with Child Abuse” - <https://www.ojjdp.gov/enews/14juvjust/140115b.html>.
- Abstract “Including Animal Cruelty as a Factor in Assessing Risk and Designing Interventions” - <https://pdfs.semanticscholar.org/c101/5692a3f884979346cc8ae11fb68f485d88d4.pdf>.
- The Humane Society of the United States Bulletin “A Common Bond: Maltreated Children and Animals in the Home” - <https://www.humanesociety.org/sites/default/files/docs/common-bond-maltreated-children-animal.pdf>.
- Animal Cruelty Psychological Assessment Instruments for Juveniles - <http://neacha.org/resources/Animal%20Cruelty%20Psychological%20Assessment%20Instruments%20for%20Juveniles.pdf>.



JUDGES' STORIES

Looking in Both Directions:

How I Faced Animal Cruelty Committed by a Juvenile

I have been a judge in Pulaski County, VA, for 20 years. I serve a rural community in the southwestern portion of Virginia. The county has about 35,000 citizens, and the county seat, the Town of Pulaski, has about 8,000. I hear a broad mixture of delinquency, dependency, custody/visitation/support, domestic violence, and protective order cases. I recently tried a boy who had committed a horrific act of animal cruelty. My first thoughts were how could this seemingly innocent child do this? The child was 11 when he first appeared before me in this case, and he was 12 by the time the case was adjudicated. The child was 11 when the animal cruelty happened. It was the boy's first delinquency.

I had a long and varied experience with this family, including Children In Need (CHIN) proceedings and the delinquency of his siblings, custody and visitation of various family members, child support proceedings, and domestic violence committed by and against his father. The child had two stays in foster care and had been in the custody of the Department of Social Services, his mother, and his grandmother.

I learned of the youth's prior experience as an abuse victim in a psychological evaluation that I ordered as well as in a social history prepared by the probation officer in advance of the disposition of his delinquency matter. The psychological evaluation was somewhat helpful, and the social history was very helpful. The ACE (with a score of 9) was helpful and alarming. The GAL in this case said he had never seen a worse social history, and that this child never had a chance.

A variety of resources helped me form a holistic understanding of this boy's life and how he likely came to the point where he committed animal cruelty. I looked at the competency evaluation, psychological evaluation, social history. I received testimony from the probation officer, grandmother, and school social worker. My training on the link between trauma and animal cruelty really helped me look at the case in broad terms. I wish I had a really good family member who could take custody of this child. A magic wand to erase his past would have been wonderful.


To respond to this case, I found myself looking both backward at what previous trauma in the child's life likely caused this act and forward to what services would be necessary to ensure that this behavior does not re-occur. Animal cruelty does not occur in a vacuum, and the failure to fully examine its origins would likely lead to future criminal acts and the continued cycle of abuse and violence. From my training on the link between being a victim of child abuse and committing animal cruelty as a juvenile, I know that in any animal cruelty case, a judge needs a full and factual description of the incident, a psychological evaluation of the child that includes a complete and accurate narrative of the child's history, and a concrete, specific plan of action.

Hon. H. Lee Chitwood, Juvenile and Domestic Relations District Court, Pulaski, VA.

Understanding “The Link”

In 2009, I was presiding in delinquency court when a 10-year-old boy and a 13-year-old boy appeared before me on charges of animal cruelty. The younger boy was clearly submissive to and following his older friend. The reason for their appearance in delinquency court was that they had shot a Lhasa Apso in the street with a bow and arrow... twice. The first arrow pierced the dog's ribs, the second his neck. The dog did not die. The 13-year old went over to the dog and picked it up by the arrow that had gone through his neck. The dog was thrown to the ground, kicked, and then stabbed with a pocket knife. The dog's “offense?” He was loose and he was barking. The dog's owners said that the dog had been within their fenced yard, but from time to time, he would get out. I was appalled at the way the boys had treated the dog and I ordered them both to submit to mental health evaluations and all recommended treatment. I had no information about “the link” at that time, and I feel much better equipped to respond to such actions now that I know about it.

Hon. Michelle Morely, 5th Judicial Circuit, Bushnell, FL.



In delinquency matters involving animal abuse, it is particularly important to get a thorough history of when the abuse occurred, prior acts and psychological assessments.

Hon. Sheri Roberts, Alcovy Circuit Court, Covington, GA.

A close-up photograph of a tabby cat's face, focusing on its green eyes and whiskers. The cat is looking directly at the camera. The image is partially overlaid with a solid olive-green rectangular block in the upper right and another in the lower right, which serve as a background for the title text.

ELDER ABUSE CASES

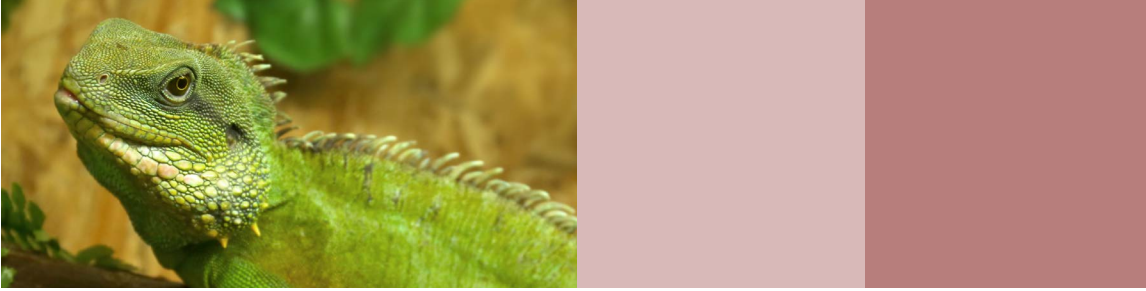
and **ANIMAL CRUELTY**

What Judges Need to Know

As an initial matter, virtually all of the information regarding family violence and animal cruelty addressed earlier in this publication applies in elder abuse cases as well. Even when the perpetrator is an adult child or caregiver rather than a spouse or intimate partner, using abuse of a pet as a tactic to intimidate or control the elder survivor is quite common. What is different with elders is that when the animal is not simply a pet but a service animal, a caretaker's cruelty against the pet has even more serious, and possibly life threatening, impacts on the elder survivor.

There are also considerations that specifically apply to elder individuals when animal neglect is found to occur.⁷⁶ The neglect may be related to limitations on the individual's financial resources, mobility restrictions, or cognitive deficits. The neglect of the pet may co-occur with the elder person's self-neglect. More than 92% of adult protective service workers reported finding animal neglect coexisting with self-neglect, indicating that animal neglect may be an important warning sign for elder abuse or neglect. Another facet of self-neglect is that elder persons may use what resources they do have to care for their animals rather than for themselves. An elder person's concern for his or her pet may also lead to an apparent unwillingness to seek help, including medical help. This may be due to fears that some aspect of asking for or receiving help will lead to being separated from a pet or that the pet will not otherwise be cared for.

While animal hoarding, which is a psychological condition when a person owns many more pets than he or she they can reasonably care for, is not specific to just elder persons, it is more common in older adults. This condition and the behaviors and practices it leads to can cause self-neglect as well as neglect of animals.



The following are factors and questions for judges to consider when presiding over a case involving elder abuse when the survivor has a pet or service animal:

- Elder persons may be reluctant to disclose they are victims of neglect or abuse when asked directly about these matters but they may be very willing to talk about their relationships with their pets and any concerns they have about a pet's wellbeing; asking questions about the person's attachment to a pet may help the judge or allied professional learn more about other aspects of the survivor's situation, including harms or dangers;
- Does your jurisdiction provide for civil protection orders for elder abuse when the perpetrator is not an intimate partner (e.g., if the perpetrator is an adult child or other relative)? And if so, does your jurisdiction allow for the inclusion of pets or service animals in civil protection orders?
- In addition to the considerations regarding transitional housing for pets listed earlier in this publication under Family Violence Cases, what options are available for the pet if the survivor must go to some form of assisted living facility, whether as a result of the abuse or due to general health concerns? What if the animal is a service animal?
- Pets may be any number of kinds of animal. Even registered service animals are not limited to dogs—indeed miniature horses are slowly becoming more common as service animals (due to their longer lifespans and some other advantages over dogs). What options are available if the service animal in question is a miniature horse?
- Financial exploitation of elders is extremely likely to co-occur with other forms of abuse, which will affect the survivor's ability to care for a pet or service animal. Is any financial relief available in the case to assist the survivor with these expenses? Possible options include providing for financial support in a civil protection order (if allowed in your jurisdiction), ordering restitution by the perpetrator in a criminal case, and informing the survivor about victims of crime funds.
- The death of a beloved pet should be treated as a serious emotional harm. For the elder person, the pet often represents the last link to a "family member" and frequently will be the survivor's sole source of emotional support due to isolation by the perpetrator.

Legislative considerations are very important to increasing awareness of the links between animal cruelty and various forms of violence against humans.

Justice Nancy Saitta (Ret.), Nevada Supreme Court, Carson City, NV.

Legislation

State legislators are recognizing that just as elder, incapacitated, or adults with a disability (hereinafter “vulnerable adults”) are susceptible to abuse by caregivers, so too are their companion animals. For example, a Colorado state statute includes animal cruelty in its definition of elder abuse.⁷⁷ Policymakers are coming to realize that vulnerable adults may be unable to care for themselves and as a result neglect their companion animals. Because of these links, 10 states and the District of Columbia have statutes addressing cross-reporting between humane officers and adult protective service agencies. By law, humane officers are directed to report suspected abuse of vulnerable adults, and protective services workers may report suspected abuse of animals.⁷⁸ Even when such reporting is not mandatory, cross-reporting is a significant tool for identifying and addressing abuse across the board, as these statutes open lines of communication between and among various agencies, allowing better detection and intervention of abuse.

In addition to cross-reporting laws, 33 states and the District of Columbia explicitly permit animals to be included in protection orders.⁷⁹ Even in states that do not explicitly permit animals to be included in protection orders, judges typically have discretion to include animals, if such inclusion is necessary for the protection of the human victims.⁸⁰



What Can Judges Do?

There are several steps judges can take to improve their understanding of the link between elder abuse and animal cruelty and to help them make decisions to effectively safeguard the wellbeing of elder persons and the animals they are attached to.

JUDGES CAN:

- learn about the link between elder abuse and animal cruelty;
- meet with stakeholders (adult protective services, animal control, humane shelters/rescues, domestic violence services, and/or veterinarians who may be involved in a coordinated community response [CCR] or multidisciplinary team [MDT] initiative) to discuss the resources in the community that are available for survivors and their pets; inquiries to such resources should ask about no-cost or low-cost food for pets and veterinary care that animal shelters/humane shelters may offer as well as short-term pet fostering if an elder person needs assistance with pet care while hospitalized or receiving medical attention; discuss strategies for increasing options or addressing situations when elder persons have nontraditional companion animals; encourage idea generation of creative ways to address problems, both systemically and in individual cases;
- ask elder abuse survivors if they have animals and if they have any concerns for them; when available, offer resources or include relief in the order that will help survivors better care for their pet; for example, include support in protection orders if the statute permits, assess restitution in a criminal case, or refer the survivor to local resources or funds that may be available to help with expenses;
- understand the central role that a pet often plays in the lives of isolated older adults and be sympathetic to how pets may affect the older adults' decision-making; finding ways to protect the pet will help elder survivors seek assistance when needed; and
- in any training for allied court/social service/animal welfare professionals in your community, include the topic of elder abuse and animal cruelty.



Further Resources:

- Ansello, E.F. (2016). Animal cruelty and elder abuse. *Age in Action*, 31(1).
- Arkow, P. (2018). *Elder Abuse and Animal Abuse: Implications and Strategies for Adult Protective Services*. Washington, DC: National Adult Protective Services Association.
- Ascione, F.R. & Peak, T. (2009). *Protocol For Assessing Animal Welfare and Elder Adult Abuse and Neglect*. Logan, UT: Utah State University.
- Boat, B.W. & Knight, J. C. (2000). Experiences and needs of adult protective services case managers when assisting clients who have companion animals. *Journal of Elder Abuse & Neglect*, 12, 3/4, 145-155.
- Humane Society of the U.S. and State of Wisconsin Department of Health & Family Services, Division of Disability & Elder Services, Bureau of Aging & Long Term Care Resources (2003). *Creating Safer Communities for Older Adults and Companion Animals*. Washington, DC: HSUS.
- Lockwood, R. (2002). Making the connection between animal cruelty and abuse and neglect of vulnerable adults. *The Latham Letter*, 23, 1, 10-11.
- National Link Coalition. (2018). *Elder Abuse and Animal Abuse: Issues and Opportunities*. Stratford, NJ: National Resource Center on the Link Between Animal Abuse and Human Violence.
- Peak, T., Ascione, F. & Doney, J. (2012). Adult protective services and animal welfare: Should animal abuse and neglect be assessed during adult protective services screening? *Journal of Elder Abuse and Neglect*, 12, 1, 37-49.
- Philips, A. (2014) *Understanding the Link Between Violence to Animals and People: A Guidebook for Criminal Justice Professionals*. Alexandria, VA: National District Attorneys Association.



SCREENING *and* ASSESSMENT



Family and juvenile court judges should regularly screen⁸¹ cases that appear before their courts to determine if animal cruelty may be occurring in the parties' homes. In addition to inquiring about the presence of vulnerable people such as elders or children, judges should also routinely ask whether any animals are present in the home. Judges should also inquire whether anyone has ever threatened, harmed, or killed an animal in the family, and whether there have been any suspicious or concerning incidents that may suggest animal abuse.

If family or juvenile court judges suspect any person (either juvenile or adult) has committed an act of animal cruelty that has heretofore gone unreported and uninvestigated, judges should immediately report their suspicions to the relevant law enforcement agency.⁸² Depending on the facts of the case, the judge may also want to take steps to ensure any human victims affected by the animal abuse receive the proper support, counseling, and protection. For example, judges can make sure human victims are aware that pets may be included in protection orders,⁸³ and can offer resources directing them to pet-friendly domestic violence shelters.⁸⁴

Healthcare providers use screening and assessment tools that address harm to pets. These tools can be adapted for use by judges, attorneys, and others involved in the court system.

Two organizations, Animals & Society Institute and the Colorado Link Project, provide several resources related to tools and considerations for screening and assessment for animal cruelty and forms of violence against humans. Below is a partial list of the resources that can be found on their websites.

- Animals & Society Institute: <http://animalsandsociety.org/helping-animals-and-people/assessment-for-practitioners/>
- The Development of the PET Scale for the Measurement of Physical and Emotional Tormenting Against Animals in Adolescents (Anna. C. Baldry)
- The Children's Treatment of Animals Questionnaire (CTAQ): A Psychometric Investigation (Kelly L. Thompson and Eleonara Gullone)
- Animal-Related Experience: 10 Screening Questions for Children, Adolescents and Adults
- The Childhood Trust Survey on Animal-Related Experiences (CTSARE): 10 Screening Questions for Children, Adolescents and Adults
- Boat Inventory on Animal-Related Experiences
- Green Chimneys Animal Interaction Assessment (AIA)
- Colorado Link Project: <https://coloradolinkproject.com/animal-cruelty-psychological-assessment-instruments/>
- Evaluator Considerations
- Dangerousness Factors
- Cruelty Risk Levels

Appropriate treatment must *be* provided to youthful offenders *who* commit acts of animal cruelty.

Hon. Donna Groman, Superior Court of Los Angeles County, Los Angeles, CA.

FINAL RECOMMENDATIONS

Collaboration

Building bridges for collaboration and communication among various stakeholders is vital in animal cruelty cases. In the context of family violence interventions, many of these connections have already been formally established and are routinely utilized. However, when it comes to animal cruelty cases, communication may break down across various courts and agencies. Judges are well-positioned to facilitate collaboration among groups and individuals committed to justice and safer communities.

Family and juvenile court judges can aid in this process by communicating with other courts regarding animal cruelty and family violence cases. Family and juvenile courts are encouraged to collaborate with one another to address dual status or cross-over youth who may appear before the courts as both a dependent who has been abused or neglected and as a delinquent accused of animal cruelty. Family and juvenile courts are also encouraged to connect with municipal courts to address related court cases that may be pending, particularly with regard to the enforcement of court orders prohibiting possession or ownership of animals.⁸⁵

In an animal cruelty-linked case, it is recommended that judges be aware of the many possible stakeholders who may be involved. In addition to the parties of the case, other potential participants include: law enforcement departments, an animal control department, humane officers, veterinarians, child welfare agencies, juvenile probation departments, victims' advocates, elder advocates, mental health professionals, defense attorneys, prosecutors, and even code enforcement officers in severe hoarding cases.

Initiating collaboration may be as simple as inviting other agencies/allied professionals to share information and establish protocols for cross-reporting.⁸⁶ For specific cases, it may involve reaching out to each of these groups and individuals to determine whether they have any information pertinent to the case, or if further investigation is warranted, and if memoranda of agreement or understanding are needed in order to share information about specific cases. More broadly, judges may establish or participate in coalitions or task forces with representatives from each of these groups to discuss common barriers arising in animal cruelty cases and ways to overcome those obstacles.⁸⁷ Such partnerships also pave the way for cross-disciplinary training, discussed further below.

Hon. Katherine Tennyson, Multnomah County Circuit Court, Portland, OR.

As judges, we are incorporating the knowledge about the Link between animal cruelty and interpersonal violence into what we already know to help make appropriate orders for treatment, safety, and more. It is the same reason we learn about ACES, opioid addiction, and so forth.

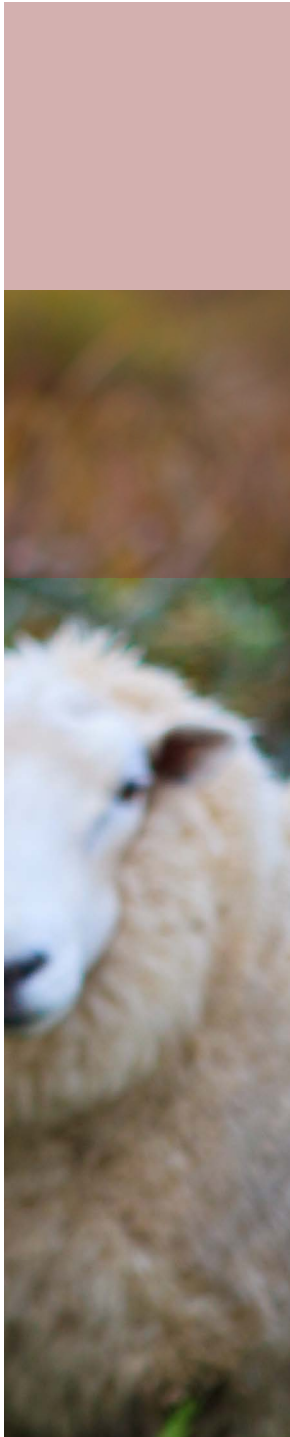
Cross-Disciplinary Training

Cross-disciplinary training refers to training for professionals in different disciplines on a topic that intersects their respective fields. Training on animal cruelty and its link with other crimes should be provided to a variety of professionals, including judges, social workers, child welfare workers, case managers, probation officers, child protective services staff, mental health providers, victim advocates, defense attorneys, prosecutors, family law attorneys, law enforcement, and animal control officers.

There are many benefits to cross-disciplinary training. Such training creates opportunities for people from various fields to connect with one another and to learn from one another's experience and expertise. It can help professionals become aware of other stakeholders and their resources and standard procedures and to use this awareness to work together more effectively toward common goals. Receiving the same training at the same time helps stakeholders have shared meanings and understanding that in turn facilitate more effective inter-departmental communication, planning, and action. Cross-disciplinary training on animal cruelty can inform professionals in diverse fields on signs and symptoms of concurrent forms of abuse so that they can better identify and cross-report suspected animal cruelty or family violence. Cross-disciplinary training can serve to facilitate having the appropriate professionals and expertise involved in rehabilitation and treatment interventions with perpetrators and with strategies to combat violence, resulting in a safer community. It can also provide a forum for brainstorming solutions to common issues and obstacles and for future collaboration. Recognizing and working to address common issues can help stakeholders from diverse agencies and representing different constituents and resources create a stronger sense of community and a shared commitment to understanding and promoting both human safety and wellbeing and animal safety and wellbeing.

Cross-Reporting

Cross-reporting refers to professionals reporting forms of suspected abuse other than the type of abuse they are primarily tasked with investigating or responding to a relevant authority or department. For example, an animal control officer may be a mandated reporter for suspected child abuse, and a social worker may be required or explicitly permitted to report suspected animal cruelty that he or she encounters during work. As of January 2019, 14 states and the District of Columbia require or explicitly permit cross-reporting between humane officers and child welfare agencies⁸⁸ and 10 states and D.C. require or



explicitly permit cross-reporting between humane officers and adult protective service agencies.⁸⁹ Because of the strong link between animal cruelty and other forms of abuse, cross-reporting is a valuable tool to identify and intervene in situations where multiple forms of abuse are occurring under the same roof.

Cross-Court Training, Cross-Court Processes, and Judicial Awareness

Cases involving animals appear directly and indirectly in many forms and in a variety of courts. Cross-court training and judicial awareness about the presence of animals, especially pets, in the diversity of cases they handle is critical to ensuring that the animal's health and safety are properly protected. Whether a case alleges direct criminal conduct against an animal, or a pet is otherwise intimately intertwined in a proceeding on another matter (e.g., code enforcement, domestic violence, or child custody), it is a necessary court function to consider the animal's wellbeing at each court level and at each stage of the proceedings.

Criminal and Quasi-Criminal Case and Process Considerations

Depending on the court system, a criminal case involving animals may originate in one court or arrive there, after being initially processed elsewhere. Many criminal cases begin with an arrest warrant. These warrants are often issued by magistrates or similar judicial officers. Preliminary, probable cause, and bond/bond condition hearings are frequently heard by a lower court level before the case is transferred to the ultimate trial court. The trial court may or may not be a general jurisdiction court. Trial, sentencing, and other final dispositions may take place in specially designated courts or court programs. Subsequent and post-sentencing probation or parole matters may be determined at the original trial court level or by another designated judicial officer.

In criminal matters that involve animal neglect, abuse, or cruelty, the animal's wellbeing and the defendant's access to the specific animal victim should be considered early in the case proceedings. A defendant may be subject to case-appropriate restrictions at the warrant and initial bond stage, subsequent bond hearings or pre-trial release programs, as well as post-trial proceedings, sentencing, and parole/probation release terms.

Appropriate restrictions and conditions may include prohibiting a defendant from any contact with the animal or family pet involved. It may be appropriate to consider no contact type limitations as to animals and pets, generally. Other conditions may include restricting a defendant's residence options if appropriate to avoid contact with animals or pets. Conditions such as not working with, caring for, or otherwise supervising animals may be appropriate. Restricting a defendant from volunteering and performing community service with animal-related services should be considered. Prohibiting a defendant from possessing or owning animals in the future may be an appropriate condition and

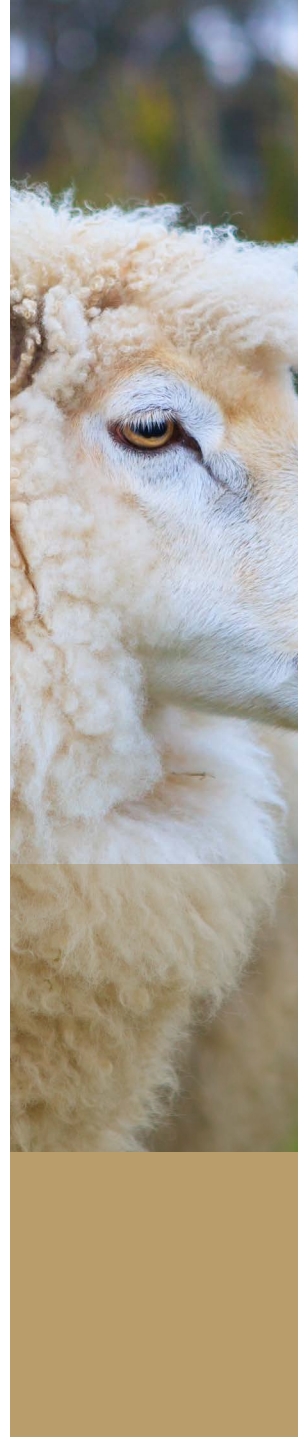
restriction, depending on the case facts. Requiring a defendant to undergo a psychological or psychiatric evaluation may be relevant, depending on the case. Such evaluations can also be part of sentencing, following a finding of guilt. Finally, a defendant may be required to undertake educational or instructional classes in the handling and care of animals and pets. In quasi-criminal matters (such as local ordinance violations and juvenile cases, depending on the jurisdiction), the court may find it both appropriate and helpful to impose conditions, restrictions, and other requirements on a defendant similar to those imposed at each step of a traditional criminal case.

It is recommended that each judge and judicial officer review the case as it comes to him or her in order to consider what appropriate conditions and restrictions are needed, in place, or need to be revised in animal related cases. Additionally, promoting cross-court awareness of animal case concerns helps judges and judicial officers throughout the court system to properly consider and assess whether any conditions, restrictions, or other requirements need to be implemented and imposed as the case moves through the system.

Civil Case Consideration

Civil cases can involve animal and pet issues in a variety of ways including: divorce and related proceedings, domestic violence protection matters, motions for restraining orders, juvenile dependency and delinquency matters (if not considered criminal), conservatorships and guardianships, involuntary committal matters, animal removal or destruction actions, nuisance abatement, probate matters, and personal injury claims. These civil cases may involve claims for money damages, equitable relief, specific performance, injunctive relief, and replevin. There may be motions within those claim actions, particularly over discovery matters, modification requests, and various temporary or emergency filings. These various cases and claims can appear in courts of general jurisdiction, special or limited jurisdiction, and administrative proceedings. Final case resolutions can be handled in a variety of ways including jury trials, bench trials, summary trials, motions hearings, mediations, arbitrations, or other forms of alternative dispute resolution (ADR).

As with criminal cases, in civil matters, it is recommended that judges review the case in order to determine whether issues with animals and pets arise at any stage of civil proceedings. Judges should be aware that concerns over animals may not be part of the main action. However, animals or pets may be deeply intertwined and significantly tied to the litigation (for example the family pet in a divorce action). Courts are encouraged to have the parties detail any animal or



pet concerns, and whether the claims made directly or indirectly involve any animal neglect, abuse, or cruelty. Additionally, the care, maintenance, and custody of any animals should be addressed if animals are part of the situation that is the subject of the civil matter, whether there are claims of animal neglect, abuse, or cruelty.

Given that civil cases are heard in a variety of legal forums, judicial and cross-court awareness of animal and pet concerns throughout the courts that serve a community will ensure that judicial officers properly address those concerns as the civil case moves through the system. Additionally, any standing orders, standardized forms, ADR forms, or pre-printed materials for *pro se* litigants should be reviewed to determine whether animal and pet issues need to be included in the materials or the materials need to be updated.

Creating Community Awareness

Proper training on the warning signs and indicators of animal abuse and the link to child or elder abuse and domestic violence can help educate the community and increase identification of harmful situations. Ideas for building community awareness and empathy include:

- Write an op-ed for your local newspaper addressing the link between animal abuse and violence.
- Provide an interview to a local news station on animal abuse cases you see in your court.
- Offer training on animal abuse at community meetings and events.
- Schedule a screening of a relevant documentary at a local community center.
- Post flyers in your courthouse on how to report animal abuse.

Self-Care and Vicarious Trauma

Cases involving animal abuse are difficult to handle. The facts are often disturbing. For judges and those who work in courtrooms, it is difficult not to internalize the information and be emotionally and psychologically affected by it. It is important for judicial officers to understand that everyone who deals with these cases, to some extent, absorbs the trauma they see and hear about every day. As Dr. Rachel Remen wrote, “The expectation that we can be immersed in suffering and loss daily and not be touched by it is as unrealistic as expecting to be able to walk through water without getting wet.”⁹⁰ Receiving training on secondary (vicarious) trauma is important so that judges know how to care for themselves and to foster a court community where people take care of each other. The Self-Care Tool Kit created by the Florida Office of the State Courts Administrator provides information and tools to assist judicial officers and court staff in understanding secondary trauma and creating a plan for self-care.⁹¹ The National Child Trauma Stress Network⁹² is also a good resource on secondary traumatic stress; and The Office for Victims of Crime has a vicarious trauma toolkit as well.⁹³

ENDOTES

- 1 Ramsey, S. et al. (2010). Protecting domestic violence victims by protecting their pets. *Juvenile and Family Justice Today*, National Council of Juvenile and Family Court Judges. <https://awionline.org/sites/default/files/uploads/legacy-uploads/documents/DV-NCJFCJArticleSpring2010-040611-1302122112-document-38932.pdf>.
- 2 Ramsey, S. (2012). Cause for concern: Juveniles and crimes of animal cruelty. *Juvenile and Family Justice Today*, National Council of Juvenile and Family Court Judges.
- 3 “At-risk dogs” refers to dogs that are at risk for becoming homeless and being in a shelter, and also if they are in a shelter, dogs that are at risk for being euthanized.
- 4 Arluke, A. et al. (1999). The relationship of animal abuse to violence and other forms of antisocial behavior. *Journal of Interpersonal Violence*, 14, 963.
- 5 In 10 states, dog fighting can be an underlying offense giving rise to racketeering charges. (13 Del. C. § 1502; F.S.A. § 895.02; 720 ILCS 5/33G-3; K.S.A. 21-6328; M.C.L.A. § 750.159g; N.J.S.A. 2C:41-1; O.R.S. § 166.715; V.T.C.A., Penal Code § 71.02; U.C.A. § 76-10-1602; Va. Code Ann. § 18.2-513). This is due to the high incidence of other crimes, such as drug trafficking and gambling, that are so often present at dog fights. Heger, M. (2011) Bringing RICO to the ring: Can the anti-mafia weapon target dogfighters? *Washington University Law Review*, 89, 41; see also Lamb, R. (2017). New Jersey dogfighting law is not all bark: RICO amendment gives tools to reduce crime in the region. *Rutgers Journal of Law and Public Policy* 14, 228.
- 6 *Tracking Animal Cruelty: FBI Collecting Data on Crimes Against Animals*, Federal Bureau of Investigation (February 1, 2016) at <https://www.fbi.gov/news/stories/-tracking-animal-cruelty>.
- 7 National Conservation Training Center, Department of Homeland Security & Federal Bureau of Investigation, *Animal Cruelty: A Possible Warning Behavior for Terrorism and Other Premeditated Violence Against Humans which Needs Reporting and Further Vetting*, National Law Enforcement Center on Animal Abuse (July 18, 2018) at <https://www.sheriffs.org/sites/default/files/First%20Responders%20Toolbox%20Animal%20Cruelty.pdf>.
- 8 Arkow, P. LINK Bibliography: Bibliography of the link between animal abuse, domestic violence, child abuse and elder abuse, *Therapy Animals* at <http://animaltherapy.net/animal-abuse-human-violence/link-bibliography/>.
- 9 Arluke *supra* note 1.
- 10 Levitt, L., Patronek, G. & Grisso, T., editors (2016). *Animal Maltreatment: Forensic Mental Health Issues and Evaluations*, 7, 50.
- 11 Many of these studies surveyed women in domestic violence shelters, which is why the information and statistics noted are limited to instances in which men have abused women. However, abuse against an intimate partner may be perpetrated by or against a person of any gender.
- 12 Barrett, B.J., et al. (2017). Animal maltreatment as a risk marker of more frequent and severe forms of intimate partner violence. *Journal of Interpersonal Violence*, 26, 1, found that 89% of women in domestic violence shelters who had a companion animal during the relationship reported that their partner threatened, harmed, or killed their animal; see also Ascione, F. et al. (2007). Battered pets and domestic violence: animal abuse reported by women experiencing intimate violence and by nonabused women. *Violence Against Women*, 13, 354, found that women in domestic violence shelters are 11 times more likely to report that their partner hurt or killed a pet, as compared with women who have not suffered domestic abuse.

- 13 Simmons, C. & Lehmann P. (2007). Exploring the link between pet abuse and controlling behaviors in violent relationships. *Journal of Interpersonal Violence* 22, 9, 1211. This study showed positive correlation between abuse of a pet and violent and controlling behaviors. Violent behaviors reported included physical and sexual violence, and stalking. Reported controlling behaviors included intimidation, blaming, threats, isolation, and emotional and economic abuse.
- 14 Barrett *supra* note 9, found that up to 56% of battered women have delayed their escape out of fear for their animals.
- 15 34 U.S.C.A. § 20127; 33 states permit animals to be included in protection orders. They are: Alaska (AS § 18.66.100); Arizona (ARS § 13-3602); Arkansas (AC § 9-15-205); California (Cal. Fam. Code § 6320; Cal. Civ. Proc. § 527.6; Cal. Wel. & Inst. § 15657.03); Colorado (CRS §§ 13-14-101; 18-6-800.3; 18-6-803.5; 13-14-103; 13-14-105); Connecticut (CGS §§ 46b-15; 46b-38c; 54-1k); Hawaii (HRS § 586-4); Illinois (725 ILCS 5/112A-14); Indiana (IC §§ 11-13-3-4; 31-9-2-29.5; 35-31.5-2-76; 34-26-5-2; 34-26-5-9; 35-33-8-3.2; 35-38-2-2.3); Iowa (ICA §§ 236.3; 236.4; 236.5); Louisiana (La. Ch. C. Art. 1569; LRS § 46:2135); Maine (19-A MRS § 4007); Maryland (MC Fam. Law §§ 4-501; 4-504.1; 4-505; 4-506); Massachusetts (209A MGL § 11) Michigan (MCL § 600.2950); Minnesota (MS § 518B.01); Nevada (NRS §§ 33.018; 33.030); New Hampshire (NH ST §§ 173-B:1; 173-B:4; 173-B:5); New Jersey (NJS §§ 2C:25-26; 2C:25-27; 2C:25-28; 2C:25-29); New York (NY Crim. Pro. Law §§ 530.12; 530.13; NY Fam. Ct. Law §§ 656; 842; 1056); North Carolina (NCGS § 50B-3); Ohio (ORC §§ 2151.34; 2903.213; 2903.214; 2919.26; 3113.31); Oklahoma (22 OS §§ 60.2; 60.4); Oregon (ORS § 107.718); South Carolina (SCC § 20-4-60); Tennessee (TC §§ 36-3-601; 36-3-606); Texas (Tex. Fam. Code §§ 85.021; 85.022); Vermont (15 VS § 1103); Virginia (VC §§ 16.1-253; 253.1; 253.4; 279.1; 19.2-152.8; 152.9; 152.10); Washington (WRC §§ 26.50.060; 26.50.110); West Virginia (WVC § 48-27-503); Wisconsin (WS §§ 813.12; 813.122; 813.123; 813.125); and Wyoming (WY ST § 35-21-10).
- 16 DeViney, E., Dickert, J. & Lockwood, R. (1983). The care of pets within child abusing families, *International Journal for the Study of Animal Problems* 4, 4, 321-329, https://animalstudiesrepository.org/cgi/viewcontent.cgi?article=1014&context=acwp_awap found that, of 53 families under observation of the New Jersey Division of Youth and Family Services for reasons of child abuse who also owned pets, abuse of a companion animal occurred in 60% of the surveyed homes.
- 17 McDonald, S. et al., (2015). Children's experiences of companion animal maltreatment in households characterized by intimate partner violence. *Child Abuse & Neglect*, 50, 116, found that 50% of children in homes with domestic violence reported that the abuser threatened to harm or kill a beloved animal in order to maintain control over their human victims.
- 18 Barrett *supra* note 11.
- 19 Fourteen states either require or explicitly permit cross-reporting of suspected animal abuse or child abuse between various agencies, such as animal control, humane societies, social services, and child welfare departments: California (CA Penal §§ 11166; 11199); Colorado (CRS § 19-3-304); Connecticut (CGS §§ 17a-100a; 17a-100c; 17a-106d; 22-329b); Illinois (325 ILCS 5/4 & 5/11.8; 510 ILCS 70/18); Indiana (IC §§ 12-10-3-8.5; 31-33-8-7.5); Louisiana (LRS § 14:403.6); Maine (MRS tit. 22 §§ 3477 & 4011-A; tit. 34-B § 1901); Massachusetts (MGL ch. 19A § 15; ch. 19A § 42; ch. 19C § 1; ch. 19C § 14; ch. 119 § 21; ch. 119, § 85); Nebraska (NE ST § 28-1017); Ohio (ORC §§ 1717.04; 1717.06; 1717.09; 1717.14); Oregon (ORS §§ 40.252; 609.654; 609.656); Tennessee (TC §§ 38-1-401; 38-1-403; 39-14-212); Virginia (VA ST § 63.2-1509); and West Virginia (WV ST §§ 7-10-2; 9-6-9; 9-6-9a, 48-27-702; 49-2-803; 49-2-806).
- 20 Levin, J & Arluke, A. (2009) *The Link Between Animal Abuse and Human Violence: Reducing the Link's False Positive Problem*. East Sussex, UK: Sussex Academic Press, 163-171.

- 21 Frick, P. J., Van Horn, Y., Lahey, B. B., Christ, M.A.G., Loeber, R., Hart, E. A., Tannenbaum, L., & Hansen, K. (1993). Oppositional defiant disorder and conduct disorder: A meta-analytic review of factor analyses and cross-validation in a clinic sample. *Clinical Psychology Review* 13, 319-340, found that the median age for the first occurrence of aggressive behaviors was 6.5 years for animal abuse, 6 years for fighting with peers, 7 years for bullying, and 7.5 years for assaulting.
- 22 Arluke, A. & Madfis, E. (2013). Animal abuse as a warning sign of school massacres: A critique and refinement; *Homicide Studies*, 20, 10, found that 30.4% of school shooters between 1988 and 2012 had a history of hands-on cruelty to dogs and cats, compared with 1% of the general population who had the same history.
- 23 Parkes, D. & Signal, T., (2017). Revisiting a link: Animal abuse, bullying, and empathy in Australian youth. *Human-Animal Interaction Bulletin* 5, 1, 26.
- 24 Walters, G. (2019). Animal cruelty and bullying: Behavioral markers of delinquency risk or causal antecedents of delinquent behavior? *International Journal of Law and Psychiatry*, 62, 77-84.
- 25 Bandura, A. (1999). Moral disengagement in the perpetration of inhumanities, *Personality and Social Psychology Review* 3, 3, 193-209.
- 26 McEwen, F. et al. (2014). Is childhood cruelty to animals a marker for physical maltreatment in a prospective cohort study of children? *Child Abuse and Neglect*, 38, 3, 533; see also DeGue, S. & DiLillo, D. (2009). Is animal cruelty a “red flag” for family violence?: Investigating co-occurring violence toward children, partners, and pets. *Journal of Interpersonal Violence*, 24, 6, 1036.
- 27 Gatowski, S. Miller, N., Rubin, S., Escher, P. & Maze, C. (2016). *Enhanced Resource Guidelines: Improving Court Practice in Child Abuse and Neglect Cases*. Reno, NV: National Council of Juvenile and Family Court Judges, p.41. See also Siegel, G., and Lord, R. (2004). *When Systems Collide: Improving Court Practices and Programs in Dual Jurisdiction Cases*. Pittsburgh, PA: National Center for Juvenile Justice.
- 28 Humane Society of the U.S. and State of Wis. Dept. of Health & Fam. Serv., Div. of Disability & Elder Serv., Bureau of Aging & Long Term Care Resources (2003). *Creating Safer Communities for Older Adults and Companion Animals* [hereinafter “Safer Communities”].
- 29 Boat, B. & Knight, J. (2000). Experiences and needs of adult protective services case managers when assisting clients who have companion animals. *Journal of Elder Abuse and Neglect*, 12, 145.
- 30 Safer Communities *supra* note 22.
- 31 Ramsey, S. et al. (2010). Protecting domestic violence victims by protecting their pets. *Juvenile and Family Justice Today*, National Council of Juvenile and Family Court Judges. <https://awionline.org/sites/default/files/uploads/legacy-uploads/documents/DV-NCJFCJArticleSpring2010-040611-1302122112-document-38932.pdf>.
- 32 Power and Control Wheel, Domestic Abuse Intervention Programs, <https://www.theduluthmodel.org/wp-content/uploads/2017/03/PowerandControl.pdf>.
- 33 Websdale, N. (2000). *Lethality Assessment Tools: A Critical Analysis*, *Applied Research Forum*, National Electronic Network on Violence Against Women. <http://www.vaw.umn.edu/Vawnet/lethality.htm> [2002, 11th September].
- 34 National Resource Center on Domestic Violence and Animal Welfare Institute (2014). *Why Pets Mean So Much: The Human-Animal Bond in the Context of Intimate Partner Violence*, *Technical Assistance Guide* (Sept. 2017) <http://nationallinkcoalition.org/wp-content/uploads/2014/09/DV-AWI-TA-for-NRCDV.pdf>.

- 35 Ramsey et al. *supra.* at 13.
- 36 National Resource Center on Domestic Violence and Animal Welfare Institute (Sept. 2017), *Why Pets Mean So Much: The Human-Animal Bond in the context of Intimate Partner Violence, Technical Assistance Guide* <http://nationallinkcoalition.org/wp-content/uploads/2014/09/DV-AWI-TA-for-NRCDV.pdf>.
- 37 AM. VETERINARY MED. ASS'N, U.S. PET OWNERSHIP & DEMOGRAPHIC SOURCEBOOK (2012), found that 35.8% of pet owners consider their animals to be “companions” and another 63.2% consider their animal to be part of their family.
- 38 *Note:* These statistics and citations are current as of this writing, May 2019. Alaska (AS § 18.66.990); Colorado (C.R.S.A. § 18-6-800.3; C.R.S.A. § 14-10-124); Connecticut (C.G.S.A. § 46b-15, animal cruelty included in definition of “violent crime” as used in statute regarding domestic violence) Indiana (IC 31-9-2-42, IC 34-6-2-34.5); New Hampshire (N.H. Rev. Stat. § 173-B:1); Nevada (N.R.S. 33.018); Oregon (O.R.S. § 609.650, declaring there is a link between domestic violence and animal cruelty); Pennsylvania (42 Pa. C.S.A. § 62A03, including sexual assault of animals in the definition of “sexual violence” for the purpose of protection of victims of sexual violence) Tennessee (T. C. A. § 36-3-601); and Texas (V.T.C.A., Penal Code § 25.07).
- 39 *Note:* These statistics and citations are current as of this writing, May 2019. Arizona (A.R.S. § 13-2923); Maine (17-A M.R.S.A. § 210-A); and Texas (V.T.C.A., Penal Code § 42.072).
- 40 18 U.S.C.A. § 2261A.
- 41 Barrett, B.J. et al. (2017). Animal maltreatment as a risk marker of more frequent and severe forms of intimate partner violence, *Journal of Interpersonal Violence* 26, 1, 1.
- 42 W. VA. CODE § 48-27-702; W. VA. CODE § 7-10-2.
- 43 *Note:* These statistics and citations are current as of this writing, May 2019. Alaska (AS § 18.66.100); Arizona (ARS § 13-3602); Arkansas (AC § 9-15-205); California (Cal. Fam. Code § 6320; Cal. Civ. Proc. § 527.6; Cal. Wel. & Inst. § 15657.03); Colorado (CRS §§ 13-14-101; 13-14-101; 18-6-800.3; 13-14-101; 18-6-803.5; 13-14-103; 13-14-105); Connecticut (CGS §§ 46b-15; 46b-38c; 54-1k); Washington D.C. (D.C. CODE ANN. § 16-1005); Hawaii (HRS § 586-4); Illinois (725 ILCS 5/112A-14); Indiana (IC §§ 11-13-3-4; 31-9-2-29.5; 35-31.5-2-76; 34-26-5-2; 34-26-5-9; 35-33-8-3.2; 35-38-2-2.3); Iowa (ICA §§ 236.3; 236.4; 236.5); Louisiana (La. Ch. C. Art. 1569; LRS § 46:2135); Maine (19-A MRS § 4007); Maryland (MC Fam. Law §§ 4-501; 4-504.1; 4-505; 4-506); Massachusetts (209A MGL § 11) Michigan (MCL § 600.2950); Minnesota (MS § 518B.01); Nevada (NRS §§ 33.018; 33.030); New Hampshire (NH ST §§ 173-B:1; 173-B:4; 173-B:5); New Jersey (NJS §§ 2C:25-26; 2C:25-27; 2C:25-28; 2C:25-29); New York (NY Crim. Pro. Law §§ 530.12; 530.13; NY Fam. Ct. Law §§ 656; 842; 1056); North Carolina (NCGS § 50B-3); Ohio (ORC §§ 2151.34; 2903.213; 2903.214; 2919.26; 3113.31); Oklahoma (22 OS §§ 60.2; 60.4); Oregon (ORS § 107.718); South Carolina (SCC § 20-4-60); Tennessee (TC §§ 36-3-601; 36-3-606); Texas (Tex. Fam. Code §§ 85.021; 85.022); Vermont (15 VS § 1103); Virginia (VC § 16.1-253; 253.1; 253.4; 279.1; 19.2-152.8; 152.9; 152.10); Washington (WRC §§ 26.50.060; 26.50.110); West Virginia (WVC § 48-27-503); Wisconsin (WS §§ 813.12; 813.122; 813.123; 813.125); and Wyoming (WY ST § 35-21-105).
- 44 *Id.* But *note:* more than half of these statutes are limited to companion animals (Alaska, Arkansas, D.C., Iowa, Louisiana, Maryland, Massachusetts, Minnesota, New York, North Carolina, Ohio, Oregon, South Carolina, Texas, Vermont, Virginia, Washington, Wisconsin, and Wyoming).
- 45 See e.g., Fla. Stat. Ann. § 741.30, providing that a court may order “such other relief as the court deems necessary for the protection of a victim of domestic violence, including injunctions or directives to law enforcement agencies, as provided in this section.”

- 46 34 U.S.C.A. § 20127.
- 47 18 U.S.C.A. § 2262.
- 48 Alaska (AS § 25.24.160, AS § 25.24.200); Illinois (750 ILCS 5/503).
- 49 See for example, Purwal, R., Christley, R., Kordas, K., Joinson, C., Meints, K. Geis, N. & Westgarth, C. (2017). Companion animals and child/adolescent development: A systematic review of the evidence. *International Journal of Environmental Research and Public Health*, 14, 3, 234-255. <https://doi.org/10.3390/ijerph14030234>; Hawkins, R., Williams, J., & Scottish Society for the Prevention of Cruelty to Animals (Scottish SPCA) (2017). Childhood attachment to pets: Associations between pet attachment, attitudes to animals, compassion, and humane behavior. *International Journal of Environmental Research and Public Health*, 14, 490-504. <https://doi.org/10.3390/ijerph14050490>; Zilcha-Mano, S., Mikuliner, M. & Shaver, P. (2012). Pets as safe havens and secure bases: The moderating role of pet attachment orientation. *Journal of Research in Personality*, 46, 5, 571-580; Melson, G. (2005) *Why the Wild Things Are: Animals in the Lives of Children*. Cambridge, MA: Harvard University Press.
- 50 DeViney, E., Dickert, J. & Lockwood, R. (1983). The care of pets within child abusing families, *International Journal for the Study of Animal Problems*, 4, 4, 321-329 at https://animalstudiesrepository.org/cgi/viewcontent.cgi?article=1014&context=acwp_awap, found that, of 53 families under observation of the New Jersey Division of Youth and Family Services for reasons of child abuse who also owned pets, abuse of a companion animal occurred in 60% of the surveyed homes.
- 51 Children who exhibit cruelty toward animals are more than twice as likely to have suffered abuse themselves. McEwen, F. et al (2014). Is childhood cruelty to animals a marker for physical maltreatment in a prospective cohort study of children? *Child Abuse and Neglect*, 38, 3, 533; See also DeGue, S. & DiLillo, D. (2009). Is animal cruelty a “red flag” for family violence?: Investigating co-occurring violence toward children, partners, and pets. *Journal of Interpersonal Violence*, 24, 6, 1036-56.
- 52 However, the court and child welfare agency personnel should also be aware of any health/animal allergy issues that other children in the foster home may have.
- 53 Preventing Sex Trafficking and Strengthening Family Act; Title I, Subtitle B, Sections 111-113 sets forth requirements regarding normalcy for children and youth in foster care.
- 54 Gatowski, S. Miller, N., Rubin, S., Escher, P. & Maze, C. (2016). *Enhanced Resource Guidelines: Improving Court Practice in Child Abuse and Neglect Cases*. Reno, NV: National Council of Juvenile and Family Court Judges.
- 55 *Ibid.* p. 25.
- 56 *Ibid.* p. 34.
- 57 DeViney, E., Dickert, J. & Lockwood, R. *supra* note 50.
- 58 *Note:* These statistics and citations are current as of this writing, May 2019. California (CA Penal §§ 11166; 11199); Colorado (CRS § 19-3-304); Connecticut (CGS §§ 17a-100a; 17a-100c; 17a-106d; 22-329b); D.C. (D.C. CODE ANN. §§ 44-1508, 44-1509, 4-1321.02, 22-1002.01); Illinois (325 ILCS 5/4 & 5/11.8; 510 ILCS 70/18); Indiana (IC §§ 12-10-3-8.5; 31-33-8-7.5); Louisiana (LRS § 14:403.6); Maine (MRS tit. 22 § 4011-A; tit. 34-B § 1901); Massachusetts (MGL ch. 119 § 21; ch. 119, § 85); Nebraska (NE ST § 28-1017); Ohio (ORC §§ 1717.04; 1717.06; 1717.09; 1717.14); Oregon (ORS §§ 40.252; 609.654; 609.656); Tennessee (TC §§ 38-1-401; 38-1-403; 39-14-212); Virginia (VA ST § 63.2-1509); and West Virginia (WV ST §§ 7-10-2, 49-2-803, 49-2-806).

- 59 *Note:* These statistics and citations are current as of this writing, May 2019. Alaska (AS § 18.66.100); Arizona (ARS § 13-3602); Arkansas (AC § 9-15-205); California (Cal. Fam. Code § 6320; Cal. Civ. Proc. § 527.6; Cal. Wel. & Inst. § 15657.03); Colorado (CRS §§ 13-14-101; 13-14-101; 18-6-800.3; 13-14-101; 18-6-803.5; 13-14-103; 13-14-105); Connecticut (CGS §§ 46b-15; 46b-38c; 54-1k); Washington D.C. (D.C. CODE ANN. § 16-1005); Hawaii (HRS § 586-4); Illinois (725 ILCS 5/112A-14); Indiana (IC §§ 11-13-3-4; 31-9-2-29.5; 35-31.5-2-76; 34-26-5-2; 34-26-5-9; 35-33-8-3.2; 35-38-2-2.3); Iowa (ICA §§ 236.3; 236.4; 236.5); Louisiana (La. Ch. C. Art. 1569; LRS § 46:2135); Maine (19-A MRS § 4007); Maryland (MC Fam. Law §§ 4-501; 4-504.1; 4-505; 4-506); Massachusetts (209A MGL § 11) Michigan (MCL § 600.2950); Minnesota (MS § 518B.01); Nevada (NRS §§ 33.018; 33.030); New Hampshire (NH ST §§ 173-B:1; 173-B:4; 173-B:5); New Jersey (NJS §§ 2C:25-26; 2C:25-27; 2C:25-28; 2C:25-29); New York (NY Crim. Pro. Law §§ 530.12; 530.13; NY Fam. Ct. Law §§ 656; 842; 1056); North Carolina (NCGS § 50B-3); Ohio (ORC §§ 2151.34; 2903.213; 2903.214; 2919.26; 3113.31); Oklahoma (22 OS §§ 60.2; 60.4); Oregon (ORS § 107.718); South Carolina (SCC § 20-4-60); Tennessee (TC §§ 36-3-601; 36-3-606); Texas (Tex. Fam. Code §§ 85.021; 85.022); Vermont (15 VS § 1103); Virginia (VC § 16.1-253; 253.1; 253.4; 279.1; 19.2-152.8; 152.9; 152.10); Washington (WRC §§ 26.50.060; 26.50.110); West Virginia (WVC § 48-27-503); Wisconsin (WS §§ 813.12; 813.122; 813.123; 813.125); and Wyoming (WY ST § 35-21-105).
- 60 *See e.g.*, Ohio (Mahoning County Common Pleas Juvenile Rule 26).
- 61 *See e.g.*, Fla. Stat. Ann. § 741.30, providing that a court may order “such other relief as the court deems necessary for the protection of a victim of domestic violence, including injunctions or directives to law enforcement agencies, as provided in this section.”
- 62 Frick, P. J., Lahey, B. B., Loeber, R., Tannenbaum, L., Van Horn, Y., Christ, M. A. G., & Hanson, K. (1993). Oppositional defiant disorder and conduct disorder: A meta-analytic review of factor analyses and cross-validation in a clinic sample. *Clinical Psychology Review*, 13, 4, 319-340.
- 63 For more information on the link between juveniles who commit animal cruelty and other acts of violence and why psychological intervention is necessary, please see the section on “The Link between Animal Cruelty with Family, Interpersonal and Criminal Violence: Animal Cruelty and Juvenile Offenders.”
- 64 *See e.g.*, Patterson-Kane, E. (2016). The relation of animal maltreatment to aggression, in Levitt, L., Patronek, G. & Grisso, T. (ed). *Animal Maltreatment*. New York: Oxford University Press. 140-158.
- 65 Arbour, R., Signal, T. & Taylor, N. (2009). Teaching kindness: The promise of humane education. *Society and Animals*, 17, 2, 136-148; *See also* Daly, B. & Suggs, S. (2010). Teachers' experiences with humane education and animals in the elementary classroom: Implications for empathy development. *Journal Moral Education*, 39, 1, 101-112; *See also* Faver, C. A. (2010). School-based humane education as a strategy to prevent violence: Review and recommendations. *Children and Youth Services Review*, 32, 3, 365-370. *But note*, these cases all concern humane education provided generally to children as a preventative or proactive measure. These studies do not assess the effectiveness of humane education as a remedial measure after a juvenile has been adjudicated for animal cruelty.
- 66 Gupta, M., Lunghofer, L., & Shapiro, K. (2017). Interventions with animal abuse offenders. *Palgrave International Handbook of Animal Abuse Studies*. Basingstoke, UK: Palgrave Macmillan. 497, discussing programs such as AniCare Child, Children and Animals Together, and Teaching Love and Compassion For Juvenile Offenders.
- 67 *See e.g.*, C.R.S.A. § 19-2-918.5, a Colorado statute giving juvenile court judges discretionary authority to order a possession ban in cases involving animal cruelty.

- 68 McEwen, F.S. et al. (2014). Is childhood cruelty to animals a marker for physical maltreatment in a prospective cohort study of children? *Child Abuse & Neglect*, 38, 533. See also DeGue, S. & DiLillo, D. (2009). Is animal cruelty a “red flag” for family violence?: Investigating co-occurring violence toward children, partners, and pets. *Journal of Interpersonal Violence*, 24, 1036.
- 69 Walters, G. (2019). Animal cruelty and bullying: Behavioral markers of delinquency risk or causal antecedents of delinquent behavior? *International Journal of Law and Psychiatry*, 62, 77-84.
- 70 Note: These statistics and citations are current as of this writing, May 2019. Colorado (C.R.S.A. § 19-2-918.5); Illinois (510 ILCS 70/3, 3.01, 3.02, 3.03); Michigan (M.C.L.A. 712A.181); Nevada (N.R.S. 62E.680); New Jersey (N.J.S.A. 4:22-17); New Mexico (N.M. STAT. ANN. § 30-18-1); Oregon (O.R.S. § 419C.441); Tennessee (T. C. A. § 39-14-212); Vermont (13 V.S.A. § 353).
- 71 Levin, J. & Arluke, A. (2009) *The Link Between Animal Abuse and Human Violence: Reducing the Link's False Positive Problem*. East Sussex, UK: Sussex Academic Press, 163-171.
- 72 Please see each state’s animal cruelty statutes for these provisions.
- 73 *Id.*
- 74 But note: In Colorado, courts are required to institute a possession ban in juvenile cases (C.R.S.A. § 19-2-918.5).
- 75 See e.g., N.R.S. 62E.685, permitting the judge in juvenile cases of animal cruelty to “order the child placed on probation and impose such conditions as the juvenile court deems proper.”
- 76 These factors may be equally relevant in temporary or permanent guardianship proceedings when the case involves an elder person and the court is seeking to understand the individual’s behavior, decisions, and capacity, and conditions in the home when a pet is in the picture.
- 77 Colorado (C.R.S.A. § 13-14-101).
- 78 Note: These statistics and citations are current as of this writing, May 2019. Arkansas (A.C.A. § 12-12-1708); California (CA Penal § 11199); D.C. (D.C. CODE ANN. § 7-1903, § 22-1002.01); Indiana (IC 12-10-3-8.5); Louisiana (LA. REV. STAT. ANN. § 14:403.6); Maine (MRS tit. 22, § 3477, MRS tit. 34-B, § 1901); Massachusetts (MGL ch. 19A § 15 & § 42, MGL ch. 19C § 1, & § 14); Nebraska (NEB. REV. STAT. § 28-1017); Tennessee (TENN. CODE ANN. § 39-14-212); West Virginia (W. VA. CODE § 7-10-2, § 9-6-9, § 9-6-9a); and Wisconsin (W.S.A. 46.90).
- 79 Note: These statistics and citations are current as of this writing, May 2019. Alaska (AS § 18.66.100); Arizona (ARS § 13-3602); Arkansas (AC § 9-15-205); California (Cal. Fam. Code § 6320; Cal. Civ. Proc. § 527.6; Cal. Wel. & Inst. § 15657.03); Colorado (CRS §§ 13-14-101; 13-14-101; 18-6-800.3; 13-14-101; 18-6-803.5; 13-14-103; 13-14-105); Connecticut (CGS §§ 46b-15; 46b-38c; 54-1k); Washington D.C. (D.C. CODE ANN. § 16-1005); Hawaii (HRS § 586-4); Illinois (725 ILCS 5/112A-14); Indiana (IC §§ 11-13-3-4; 31-9-2-29.5; 35-31.5-2-76; 34-26-5-2; 34-26-5-9; 35-33-8-3.2; 35-38-2-2.3); Iowa (ICA §§ 236.3; 236.4; 236.5); Louisiana (La. Ch. C. Art. 1569; LRS § 46:2135); Maine (19-A MRS § 4007); Maryland (MC Fam. Law §§ 4-501; 4-504.1; 4-505; 4-506); Massachusetts (209A MGL § 11) Michigan (MCL § 600.2950); Minnesota (MS § 518B.01); Nevada (NRS §§ 33.018; 33.030); New Hampshire (NH ST §§ 173-B:1; 173-B:4; 173-B:5); New Jersey (NJS §§ 2C:25-26; 2C:25-27; 2C:25-28; 2C:25-29); New York (NY Crim. Pro. Law §§ 530.12; 530.13; NY Fam. Ct. Law §§ 656; 842; 1056); North Carolina (NCGS § 50B-3); Ohio (ORC §§ 2151.34; 2903.213; 2903.214; 2919.26; 3113.31); Oklahoma (22 OS §§ 60.2; 60.4); Oregon (ORS § 107.718); South Carolina (SCC § 20-4-60); Tennessee (TC §§ 36-3-601; 36-3-606); Texas (Tex. Fam. Code §§ 85.021; 85.022); Vermont (15 VS § 1103); Virginia (VC § 16.1-253; 253.1; 253.4; 279.1; 19.2-152.8; 152.9; 152.10); Washington (WRC §§ 26.50.060; 26.50.110); West Virginia (WVC § 48-27-503); Wisconsin (WS §§ 813.12; 813.122; 813.123; 813.125); and Wyoming (WY ST § 35-21-105).

- 80 See e.g., Fla. Stat. Ann. § 741.30, providing that a court may order “such other relief as the court deems necessary for the protection of a victim of domestic violence, including injunctions or directives to law enforcement agencies, as provided in this section.”
- 81 For the purposes of this section, the terms “screen” and “screening” are used broadly and are ascribed everyday meanings, rather than being used as terms of art.
- 82 For information on how to report suspected animal cruelty, please visit <http://nationallinkcoalition.org/how-do-i-report-suspected-abuse>.
- 83 For information on which states specifically permit pets to be included in protection orders, please see Section III, Legislation, *supra* note 15 for the specific states and their statutes. Most jurisdictions provide judges with wide discretion over provisions to include in protection orders, which would likely encompass the inclusion of any pets.
- 84 For a database of pet-friendly domestic violence shelters, please visit <https://awionline.org/safe-havens>.
- 85 For more information on possession bans, please visit <https://aldf.org/project/2018-post-conviction-possession-ban/>. For more information on criminal animal cruelty laws in your state, please visit <https://aldf.org/project/2018-post-conviction-possession-ban/>, select your state, and scroll down to “Download the Compendium.”
- 86 “Cross-reporting” refers to agencies reporting suspected additional forms of abuse. For example, in some states animal control officers are mandatory reporters for suspected child abuse. Child protection workers may be required or explicitly permitted to report suspected animal abuse that they encounter in their work.
- 87 For more information on creating a task force, please visit <http://nationallinkcoalition.org/wp-content/uploads/2013/01/TOOLKIT.pdf>.
- 88 California (CA Penal §§ 11166; 11199); Colorado (CRS § 19-3-304); Connecticut (CGS §§ 17a-100a; 17a-100c; 17a-106d; 22-329b); D.C. (D.C. CODE ANN. §§ 44-1508, 44-1509, 4-1321.02, 22-1002.01); Illinois (325 ILCS 5/4 & 5/11.8; 510 ILCS 70/18); Indiana (IC §§ 12-10-3-8.5; 31-33-8-7.5); Louisiana (LRS § 14:403.6); Maine (MRS tit. 22 § 4011-A; tit. 34-B § 1901); Massachusetts (MGL ch. 119 § 21; ch. 119, § 85); Nebraska (NE ST § 28-1017); Ohio (ORC §§ 1717.04; 1717.06; 1717.09; 1717.14); Oregon (ORS §§ 40.252; 609.654; 609.656); Tennessee (TC §§ 38-1-401; 38-1-403; 39-14-212); Virginia (VA ST § 63.2-1509); and West Virginia (WV ST §§ 7-10-2, 49-2-803, 49-2-806).
- 89 Arkansas (A.C.A. § 12-12-1708); California (CA Penal § 11199); D.C. (D.C. CODE ANN. § 7-1903, § 22-1002.01); Indiana (IC 12-10-3-8.5); Louisiana (LA. REV. STAT. ANN. § 14:403.6); Maine (MRS tit. 22, § 3477, MRS tit. 34-B, § 1901); Massachusetts (MGL ch. 19A § 15 & § 42, MGL ch. 19C § 1, & § 14); Nebraska (NEB. REV. STAT. § 28-1017); Tennessee (TENN. CODE ANN. § 39-14-212); West Virginia (W. VA. CODE § 7-10-2, § 9-6-9, § 9-6-9a); and Wisconsin (W.S.A. 46.90).
- 90 Remen, R. N. (1996). *Kitchen Table Wisdom: Stories that Heal*. New York: Penguin.
- 91 Florida Office of the State Courts Administrator, Office of Court Improvement (2016). *Self-care tool kit: Trauma-responsive court curriculum*. Retrieved from <http://www.flcourts.org/core/fileparse.php/538/urlt/flcourts-selfcare-toolkit.pdf>.
- 92 <https://ncstn.org/>.
- 93 <https://vtt.ovc.ojp.gov/>.

ADDITIONAL RESOURCES

Articles addressing the value of animals beyond property—to help recognize the extent of cruelty on the animal as a factor in these cases:

Dunn, L. & Rosengard, D. (2017). A dog is not a stereo: The role of animal sentience in determining the scope of owner privacy interests under Oregon law. *Animal Law Review*, 23, 45.

Summary: In 2011, a relatively routine animal neglect investigation spawned a line of litigation that would eventually reach the Oregon Supreme Court. Along the way, this case—*State v. Newcomb*—raised issues central to both constitutional and animal law, involving inquiry into how animals are situated under the law, the weight of a defendant’s privacy versus an animal’s interests, and what relevance attaches to animals existing as feeling, sentient creatures. In analyzing *Newcomb*, this comment discusses the case facts in Part I, before laying out the arguments heard—and decisions rendered—by the trial and appellate courts in Part II. Part III reads the Oregon Supreme Court’s *Newcomb* opinion in the context of two earlier Oregon animal criminal cases: *State v. Fessenden* and *State v. Nix*. This comment argues the three, *Fessenden*, *Nix*, and *Newcomb*, form a trilogy of cases, which reveal a jurisprudence that approaches the legal status of animals critically, rejecting absolutist constructs that insist animals must either be situated analogous to any other property or analogous to humans. Finally, this comment examines the practical, jurisprudential, and strategic implications of the Oregon Supreme Court’s holding in *Newcomb*, before outlining as-of-yet unanswered questions the case points toward.

Paterick, Z., Paterick, T. & Sanbar, S. (2015). A stepping stone toward companion animal protection through compensation. *Animal Law Review*, 22, 79.

Summary: Despite the fact that many Americans view their companion animals as part of the family, the law treats companion animals as personal property. The courts have viewed companion animals as property for more than 200 years. However, this precedent no longer adequately accounts for the important role companion animals play in modern day lives, and no longer appropriately compensates for the true value the animal has to the owner. A modified investment approach, stemming from wrongful death precedents, provides both a qualitative and quantitative approach to measure adequately the companionship value these animals have to humans. While courts have entertained various damage theories and causes of action, and a few state legislatures have acted to provide for noneconomic damages or veterinary costs, valuing animals at their

market value remains the predominant measure. This is likely due to the overwhelming precedent and various policy concerns around having both to expand and value the loss of companionship damages. This article advocates a loss of investment approach, in which the court quantitatively compensates the guardians for the resources they provide for their companion animals during the course of their lives, and uses qualitative criteria that would demonstrate the strength of the relationship that the companion animal had to their owner.

This methodology accurately recognizes the relationship that companion animals have with humans and, together with awareness and educational outreach of animal rights, can provide an intermediate mechanism that the courts can use to eliminate the property classification of companion animals once and for all.

Articles addressing juveniles and animal cruelty:

Muller-Harris, D. (2011). Animal violence court: A therapeutic jurisprudence-based problem-solving court for the adjudication of animal cruelty cases involving juvenile offenders and animal hoarders. *Animal Law Review*, 17, 313.

Summary: Cases involving cruelty to animals are currently handled by the traditional criminal courts. These courts, however, are not effective at punishing animal abusers or protecting animal victims. Although all states have laws criminalizing various forms of animal cruelty, the reality is that most cruelty cases are not prosecuted; even when cruelty cases are successfully prosecuted, punishments are weak. This comment proposes the creation of an animal violence court, using juvenile animal abusers and adult hoarders as ideal candidates for a pilot animal cruelty justice system. The animal violence court would provide for the ongoing safety and care of animal victims, work to rehabilitate offenders, and require long-term monitoring of offenders by the court. Modeled after similar problem-solving courts, the animal violence court would improve upon the current criminal justice system, rehabilitate offenders, and protect innocent animals, sending a clear message that animal abuse will not be tolerated.

Antoncic, L. (2003). How troubling youth trends and a call for character education are breathing new life into efforts to educate our youth about the value of all life. *Animal Law Review*, 9, 183.

Summary: This article analyzes humane education and its effect on juveniles.

Articles addressing the Link:

Nelson, S. (2011). The connection between animal abuse and family violence: A selected annotated bibliography. *Animal Law Review*, 17, 369.

Summary: This selected annotated bibliography assembles legal and social literature that examines the link between domestic violence and animal abuse. Drawing from an ever-growing body of written works dedicated to the issue, the bibliography presents the works that are most informative and useful to the legal community. These include case studies, current and proposed legislation, and social services guides that address the occurrence of and response to the animal cruelty-family violence correlation. In doing so, the bibliography creates a resource that will prove helpful to a variety of legal practitioners, law makers, and professionals within the criminal justice system, and will serve as a tool to promote further understanding of the patterns of abuse that often concurrently victimize both humans and animals.

Sauder, J. (2000) Enacting and enforcing felony animal cruelty laws to prevent violence against humans. *Animal Law Review*, 6, 1.

Summary: Mr. Sauder proposes that stronger anti-cruelty laws must be enacted and properly enforced to prevent a cycle of violence between human and animal abuse. The author explores the effects of violence in the home on the abused as well as those who witness abuse.

Lockwood, R. (1999). Animal cruelty and violence against humans: Making the connection, *Animal Law Review*, 5, 81.

Summary: This essay focuses on the theory relating repeated, intentional abuse of animals to a variety of violent, antisocial behaviors including child abuse, domestic violence, and violent criminal activities. Mr. Lockwood argues that the public became aware of this connection long before most law enforcement or mental health officials did. He emphasizes that animal abuse should be used as an indicator of violence in the home, and as a warning for future violent acts against people.

Lacroix, L. (1998). Another weapon for combating family violence: Prevention of animal abuse. *Animal Law Review*, 4, 1.

Summary: Dr. Lacroix discusses the correlation between different forms of family violence and suggests that family pets are just another victim. Dr. Lacroix proposes that stronger animal anti-cruelty laws may be part of the solution to reducing family violence because they enhance the detection of an offender's abusive behavior.

Below are links to special journals published in the National Sheriffs' Association Journal on animal cruelty:

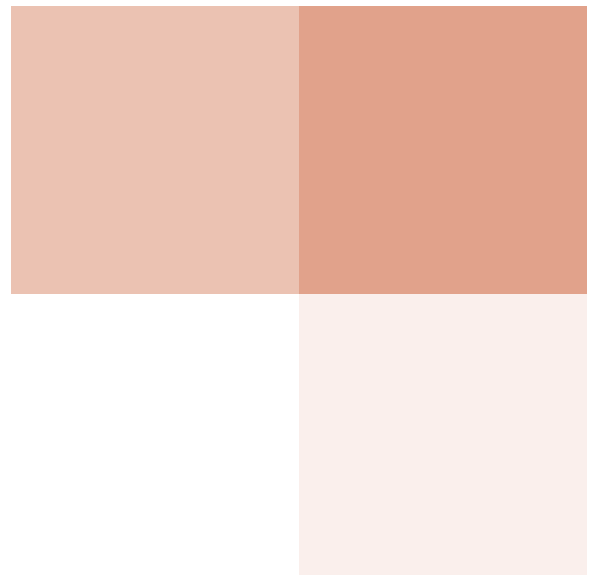
- <https://ric-zai-inc.com/Publications/cops-w0867-pub.pdf>
- https://www.sheriffs.org/sites/default/files/2019_SD_AA.pdf

Below are lists of links to various resources on the ALDF website:

- The factsheet we compiled on the link with citations to clinical studies: <https://aldf.org/wp-content/uploads/2018/07/The-Link-2018.pdf>.
- Our 2018 Animal Protection Laws Rankings: <https://aldf.org/project/2018-us-state-rankings/>

Click on each state and scroll down to the bottom to find the link to “Download the Compendium.” This links to a PDF of the state’s animal protection laws organized by category, including laws on including animals in protection orders.

- The full 2018 Rankings Report PDF: <https://aldf.org/wp-content/uploads/2019/01/Animal-Protection-Laws-of-the-United-States-2018-full-report.pdf>
- Information on psychological evaluation and treatment following animal cruelty convictions: <https://aldf.org/project/2018-court-ordered-psych-evaluation/>
- Information on post-conviction possession bans: <https://aldf.org/project/2018-post-conviction-possession-ban/>



**Judges need to be mindful
of the importance of pets
as family members in
their decisions in juvenile
and family law matters.**

**Hon. John J. Romero, Jr., Second Judicial District
Court, Children's Court Division, Albuquerque, NM.**



NATIONAL COUNCIL OF
JUVENILE AND FAMILY COURT JUDGES

WWW.NCJFCJ.ORG



**ANIMAL LEGAL
DEFENSE FUND**

